

LAWS, RESOLUTIONS AND MEMORIALS
OF THE
STATE OF MONTANA
PASSED AT THE
TWELFTH REGULAR
SESSION
OF THE
LEGISLATIVE ASSEMBLY

Held at Helena, the Seat of Government of said State, commencing
January 2nd, 1911, and ending
March 2nd, 1911.

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STATE OF MONTANA, }
Secretary's Office } ss.

I, A. N. YODER, Secretary of State of the State of Montana, do hereby certify that the printed laws resolutions and memorials contained herein, are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Eleventh Regular Session of the Legislative Assembly of said State, commencing January 2nd, 1911, and held at Helena, the seat of government of said State.

(SEAL) IN TESTIMONY WHEREOF, I hereunto set my hand
and affixed the Great Seal of said State. Done
at the City of Helena the seat of government
of said state, this eleventh day of April, A. D.
1911.

A. N. YODER,
Secretary of State.

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OF THE

TWELFTH LEGISLATIVE ASSEMBLY

OF THE

STATE OF MONTANA

Governor, EDWIN L. NORRIS.

Lieutenant Governor and President of the Senate,
W. R. ALLEN.

Speaker of the House of Representatives
W. W. McDOWELL.

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Name.	Politics.	County.	Residence.
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Christopher, W. E.	Rep.	Sanders	Thompson.
*Cockrell, Moncure	Dem.	Powell	Deer Lodge.
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Everett, T. M.	Rep.	Chouteau	Harlem.
Gallwey, Harry	Dem.	Silver Bow	Butte.
George W. B.	Dem.	Yellowstone	Billings.
Groff, H. C.	Dem.	Ravalli	Victor.
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Leary, James E.	Dem.	Lincoln	Libby.
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*McCone, George	Rep.	Dawson	Glendive.
*McDonnell, Charles	Rep.	Sweet Grass	Melville.
*Meyer, W. F.	Rep.	Carbon	Red Lodge.
Muffy, C. S.	Dem.	Broadwater	Winston.
*Selway, E. O.	Rep.	Beaverhead	Dillon.
Stout, Thomas	Dem.	Fergus	Lewistown.
Survant, John	Rep.	Valley	Malta.
*Sykes, H. N.	Rep.	Custer	Ekalaka.
*Tooley, C. P.	Rep.	Meagher	Twodot.
Whiteside, Fred	Dem.	Flathead	Kalispell.

*Holdover Senators.

NATHAN GODFREY,
Secretary.

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Asbridge, J. L.	Dem.	Fergus	Lewistown.
Baker, John	Dem.	Lewis and Clark.	Helena.
Bell, C. S.	Rep.	Yellowstone	Billings.
Bernard, P. N.	Rep.	Lincoln	Eureka.
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Blackburn, Dr. G. E.	Dem.	Silver Bow	Butte.
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Duffy, P. J.	Dem.	Silver Bow	Butte.
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Eliel, Frank	Rep.	Beaverhead	Dillon.
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Gillis, P. C.	Dem.	Silver Bow	Butte.
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Grubb, G. H.	Rep.	Flathead	Kalspell.
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Herbold, F. D.	Dem.	Rosebud	Sumatra.
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McQuitty, I. S.	Dem.	Meagher	Harlowton.
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Wheeler, E. A.	Dem.	Cascade	Butte.
Williams, Henry	Rep.	Deer Lodge	Anaconda.
Woody, Frank	Dem.	Missoula	Missoula.
Word, R. Lee	Dem.	Lewis and Clark.	Helena.

FINLAY McRAE, Chief Clerk.

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GENERAL LAWS OF MONTANA

ENACTED BY THE

TWELFTH LEGISLATIVE ASSEMBLY



SESSION LAWS.

CHAPTER I.

An Act to prevent the seduction and prostitution of women and girls, and providing punishment therefor; and to prevent the receipt of money or other valuable thing, from women engaged in prostitution, and prescribing punishment therefor; and to repeal Sections 8341 and 8342 of the Revised Codes of 1907.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. The importation of women and girls into this State or the exportation of women and girls from this state for immoral purposes is hereby prohibited and whoever shall induce, entice or procure, or attempt to induce, entice or procure, to come in this state, or to go from the state, any women or girl for the purpose of prostitution or concubinage, or for any other immoral purpose, or to enter any house of prostitution in this state or any one who shall aid any such woman or girl in obtaining transportation to or within this state, for the purpose of prostitution or concubinage, or for any other immoral purpose, shall be deemed guilty of a felony and, on conviction thereof, shall be punishable by imprisonment in the state prison for a period of not less than two years nor more than twenty years, or by fine not less than one thousand dollars nor more than five thousand dollars, or by both such fine and imprisonment.

Importation and exportation of females for immoral purposes.

Obtaining transportation for women or girls into state for prostitution or concubinage.

Felony.

Punishment.

Section 2. Any person who shall place any female in the charge or custody of any other person for immoral purposes or in a house of prostitution or elsewhere with intent that she shall live a life of prostitution; or any person who shall compel or shall induce, entice or procure, or attempt to induce, entice, procure or compel any female to reside with him or with any other person for immoral purposes, or for

Placing, compelling, inducing, enticing, and procuring females in house of prostitution, or to reside with any person for immoral purposes, prohibited.

the purpose of prostitution or shall compel any such female to reside in a house of prostitution or compel or attempt to induce, entice, procure or compel her to live a life of prostitution shall be guilty of a felony and, on conviction thereof, shall be punishable by imprisonment in the state prison for a period of not less than two years nor more than twenty years, or by fine not less than One Thousand Dollars, nor more than Five Thousand Dollars, or by both such fine and imprisonment.

Felony.

Punishment.

Inducing, enticing or procuring any woman or girl to enter houses of prostitution, and attempting so to do.

A felony.

Penalty.

Section 3. Any person who shall induce, entice or procure, or attempt to induce, entice or procure any woman or girl for the purpose of prostitution or concubinage, or for any other immoral purpose, or to enter any house of prostitution in this state shall be deemed guilty of a felony and, on conviction thereof, shall be punishable by imprisonment in the state prison for a period of not less than two years nor more than twenty years, or by fine not less than One Thousand Dollars nor more than Five Thousand Dollars, or by both such fine and imprisonment.

Receiving any valuable consideration for placing a female in house of prostitution, or cohabit with any male other than husband.

A felony.

Punishment.

Section 4. Any person who shall receive any money or other valuable thing for or on account of placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person or persons to whom she is not married shall be guilty of a felony and, upon conviction thereof, shall be punishable by imprisonment in the state prison for a period of not less than two years nor more than twenty years, or by fine not less than one thousand dollars nor more than five thousand dollars, or by both such fine and imprisonment.

Paying money or other valuable thing for procuring female, with or without her consent, to be placed in house of prostitution.

A felony.

Punishment.

Section 5. Any person who shall pay any money or other valuable thing to procure any female for the purpose of placing her for immoral purposes in any house of prostitution or elsewhere, with or without her consent, be guilty of a felony and, on conviction thereof, shall be punishable by imprisonment in the state prison for a period of not less than two years nor more than twenty years, or by fine not less than one thousand dollars nor more than five thousand dollars, or by both such fine and imprisonment.

Section 6. Any person who shall knowingly receive any money or other valuable thing for or on account of procuring and placing in the custody of another person for immoral purposes any woman, with or without her consent, shall be guilty of a felony and, on conviction thereof, shall be punishable by imprisonment in the state prison for a period of not less than two years nor more than twenty years, or by fine not less than one thousand dollars nor more than five thousand dollars, or by both such fine and imprisonment.

Knowingly receiving money or valuable thing for procuring female for immoral purposes.

A felony.

Punishment.

Section 7. Any person who shall hold, detain, restrain or attempt to hold, detain or restrain in any house of prostitution or other place, any female for the purpose of compelling such female, directly or indirectly, by her voluntary or involuntary service or labor to pay, liquidate or cancel any debt, dues or obligations incurred in such house of prostitution or in any other place shall be deemed guilty of a felony and, on conviction thereof, shall be punishable by imprisonment in the state prison for a period of not less than two years nor more than twenty years, or by fine not less than one thousand dollars nor more than five thousand dollars, or by both such fine and imprisonment.

Holding, detaining or restricting, or attempting the same, a female in house of prostitution or other place for the purpose of compelling the payment of debts.

A felony.

Punishment.

Section 8. Any person who shall knowingly accept, receive, levy, or appropriate any money or other valuable thing without consideration, from the proceeds or earnings of any woman engaged in prostitution shall be deemed guilty of a felony and, on conviction thereof, shall be punishable by imprisonment in the state prison for a period of not less than two years nor more than twenty years, or by fine of not less than one thousand dollars nor more than five thousand dollars, or by both such fine and imprisonment. Any such acceptance, receipt, levy, or appropriation of such money or valuable thing shall upon any proceeding or trial for violation of this section be presumptive evidence of lack of consideration.

Accepting, receiving, levying or appropriating the earnings of fallen women.

A felony.

Punishment.

*Section 9. Any male person who shall live with, or in whole or in part upon the earnings of, or money supplied by a common prostitute or woman of bad repute, shall be guilty of a felony and, on conviction

Living upon the earnings of prostitutes.

A felony.

Punishment.

thereof, shall be punishable by imprisonment in the state prison for a period of not less than one year nor more than twenty years.

Repealing clause.

Section 10. That Sections 8341 and 8342, Revised Codes of 1907, be, and the same are, hereby repealed.

Repealing clause.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved Jan. 28, 1911.

CHAPTER 2.

An Act providing for the disposition of moneys received from the sale of estrays, and prescribing the duties of the state treasurer, and board of stock commissioners with reference thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of stock commissioners must pay proceeds of sale of estrays into state treasury.

Section 1. That all unclaimed money which is now in the hands of the State Board of Stock Commissioners, or in the possession of the Secretary or Treasurer of said Board, received from the sale of estray cattle or horses, shall be fully accounted for and paid over to the state treasurer of the State of Montana within thirty (30) days from and after the passage and approval of this Act.

State examiner to examine affairs of stock commissioners and report same to the governor.

Section 2. Immediately upon the passage of this Act the State Examiner shall investigate the books of account of said board and its officers, respecting the methods of administering said funds in the past, and after the completion of such examination he shall at once make full and complete report with reference thereto to the Governor.

Funds of board of commissioners to be deposited in stock inspection and detective fund.

Section 3. All of said funds which shall have been in the possession of the State Board of Stock Commissioners, or its officers for a period of two years or over, shall be by the state treasurer at once deposited to the credit of the stock inspection and detective fund to be used and expended as provided by law.

Proceeds of sale of estray cattle and horses hereafter.

Section 4. The proceeds derived from the sale of all estray cattle or horses sold either within or without the state, shall hereafter be at once transmitted to the

state treasurer of the State of Montana, together with a statement of the net proceeds derived from the sale, and such proceeds shall be paid and turned over by the treasurer to the owner of the recorded brand on the animal upon request of the Secretary of the State Board of Stock Commissioners and after the approval of the State Board of Examiners; it being hereby intended that as to the ownership of the animals sold determinable from the brands reported on such animals, that the Secretary of the Board of Stock Commissioners, or the Board of Stock Commissioners, shall first determine the ownership of such animals sold, and that the returns shall not be paid to such owner by the treasurer until after the State Board of Examiners shall first have passed upon and approved such payment.

Statement of proceeds to be turned over to owner when.

Determination of ownership.

Section 5. A full description of the estrays for which the proceeds derived from their sale remains in the hands of the treasurer unclaimed shall be published for the period of four (4) consecutive issues next after May 1st of each year, in four (4) newspapers, one of which shall be published in the City of Helena, and the others in the cities of Billings, Miles City and Fort Benton, and when such publication shall have been made, and the proceeds from the sale of such animals shall have remained in the hands of the state treasurer for a period of two years, it shall be by the treasurer at once placed to the credit of the stock inspection and detective fund.

Publication of description of estrays sold.

Disposition of proceeds remaining in hands of state treasurer for two years.

Section 6. Immediately upon receipt by the state treasurer of any funds derived from the sale of livestock, he shall communicate with the secretary of the state board of stock commissioners, in writing, giving the description of the animals and brands, as same were reported to him, to the end that inquiry and investigation may be at once made respecting ownership.

State treasurer to report proceeds and description of stock sold by board of stock commissioners.

Section 7. Whenever it shall appear that the brand on an animal sold and reported as an estray was not recorded, or is blotched or dim, no person shall be paid therefor by the state treasurer until the board of stock commissioners shall first have investigated the case and determined ownership, and if said board

Determination of ownership, when brands not recorded, blotched or dim.

of stock commissioners determine that the animal was without ownership possible of identification, thereupon the proceeds from the sale of such animal shall be at once placed to the credit of the stock inspection and detective fund.

Meetings of board
to determine
ownership.

For the purpose of considering such cases and determining the ownership of such animal or animals, the board of stock commissioners is hereby required to meet in the City of Helena in the months of May and December of each year.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved Jany. 30th, 1911.

CHAPTER 3.

An Act to provide an additional judge for the thirteenth Judicial District of the State of Montana so that there will be two judges in said district.

Be it enacted by the Legislative Assembly of the State of Montana :

Judges of the
Thirteenth
Judicial District.

Section 1. That from and after the passage and approval of this act there shall be two judges in the Thirteenth Judicial District of the State of Montana.

Appointment by
the governor.

Section 2. That the Governor shall appoint some fit and qualified person as additional judge of the said Thirteenth Judicial District to hold his office until the first Monday of January, 1913, or until his successor is duly elected and qualified.

Term of office.

Compensation,
powers and duties
of judge.

Section 3. The compensation, powers and duties of the said additional judge by this act created shall be the same as are provided by law for other district judges.

Approved Jany. 31st, 1911.

CHAPTER 4.

An Act to amend Section 7121 of the Revised Codes of Montana of 1907, providing for appeals from Justice and Police Courts.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That Section 7121 of the Revised Codes

of the State of Montana be amended to read as follows: "Section 7121. Any party dissatisfied with the judgment rendered in a civil action in a police or justice court may appeal therefrom to the district court of the county at any time within thirty days after the rendition of the judgment. The appeal is taken by serving a copy of the notice of appeal on the adverse party or his attorney and by filing the original notice of appeal with the Justice or Judge. The order of serving and filing is immaterial."

Section 7121 amended.

Time within which appeals from judgment in justice court may be taken.

Appeals: how taken,

Approved Jan'y. 31, 1911.

CHAPTER 5.

"An Act to amend Section 8312 of the Revised Codes, in relation to Assault in the First Degree, and to Define and Punish such Assault."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person who, with intent to kill a human being, or to commit a felony upon the person or property of the one assaulted or of another;

Assault in the first degree defined.

1. Assaults another with a loaded firearm or any other deadly weapon, or by any other means or force likely to produce death; or,

Firearms or deadly weapon.

2. Administers or causes to be administered to, or taken by another, poison or any other destructive or noxious thing, so as to endanger the life of such other,

Administering poison.

Is guilty of assault in the first degree, and is punishable by imprisonment in the state prison not less than five nor more than twenty years.

Penalty.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved Jan'y. 31, 1911.

CHAPTER 6.

An Act Prohibiting Surety Companies from exacting Indemnity Bonds or Security from State, County, or City Officials before furnishing bonds, and providing penalty; and providing that such officials may furnish either surety bonds, individual bonds, or other security.

Be it enacted by the Legislative Assembly of the State of Montana:

Surety companies not to require indemnity or security from public officers.

Section 1. No Foreign or other Surety Company shall hereafter be permitted to furnish the bond for any state, county, or city official where such company requires, in addition to the payment of reasonable premiums, any indemnity or other security.

State insurance commissioner to declare license of surety company forfeited when.

Section 2. Whenever it shall appear to the satisfaction of the Insurance Commissioner that any Surety Company has violated the provisions of this Act, its license shall be by him thereupon declared forfeited, and such company shall not again be admitted to do business in this State until a period of four years shall have elapsed, nor until such company has shown a willingness to comply with the provision of this Act.

Surety company not again to do business in state until when.

Official bonds.

Section 3. Whenever an official bond is required of any state, county, or city officer, such officer may furnish either a surety company bond, or a good and sufficient individual bond, executed and approved as required by law, or may furnish such other security as may be approved by the person, officer, or board authorized by law to examine and approve such official bond provided that where such officer shall furnish a surety company bond, the premium therefor shall be a proper charge against the general fund of the State, county, or city, as the case may be.

Approval of bonds.

State to pay premiums on official bonds.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 2nd, 1911.

CHAPTER 7.

An Act to amend Sections 7362 and 7363 of the Codes of Montana for 1907, relative to change of name.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That Section 7362 of the Revised Codes of Montana for 1907, be and the same is hereby amended to read as follows: Section 7362. Notice of

Amending
Section 7362,
Revised Codes,
1907.

Hearing. When a petition setting out the matters contained in Section 7361 is filed, the court or judge may appoint a time for hearing the said petition. Notice of the time and place of hearing the said petition must be published for four successive weeks in some newspaper published in the county, if a newspaper be printed therein, but if no newspaper be printed in the county, a copy of such notice must be posted in at least three public places in the county for a like period.

Notice of hearing
of petition to be
published.

Where published.

When may be
posted.

Section 2. That Section 7363 of the Revised Codes of Montana for 1907, be and the same is hereby amended to read as follows: Section 7363. Hearing of Application. On the day set for the hearing of said petition or at any time to which the hearing is continued or postponed, due proof of the publication, or posting, of the required notice as set out in Section 7362 being made, such application must be heard. At any time before such hearing, objections may be filed by any person who can in such objections, show to the court or judge good reasons against such change of name. On the hearing the court or judge may examine on oath any of the petitioners, remonstrants, or other persons touching the application, and may make an order changing the name or dismissing the applications, as to the court or judge may seem right and proper.

Amending Section
7363, Revised
Codes, 1907.

Hearing of appli-
cation and proof
of notice.

Objections to
application may be
filed and by whom.

Proceedings.

Order.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved Feby. 3rd, 1911.

CHAPTER 8.

"An act to provide for the Appointment of a Stenographer by Coroners in Counties of the First Class, fixing the compensation and term of office of such stenographer."

Be it enacted by the Legislative Assembly of the State of Montana:

Stenographers to coroners in counties of the first class.

Section 1. That in each County of the First Class, the Coroner may, with consent of the County Commissioners, appoint a Stenographer who shall hold such position during the pleasure of the Coroner making the appointment, and who shall receive as salary the sum of One Hundred Dollars (\$100.00) per month, to be paid monthly out of the contingent fund of the County upon the order of the Board of County Commissioners.

Repealing clause.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Act shall take effect.

Section 3. This Act shall take effect and be in full force from and after its passage and approval by the Governor.

Approved Feby. 6th, 1911.

CHAPTER 9.

An Act amending Section 6356 of the Revised Codes of 1907 relating to the manner of Sumoning Jurors in Districts Courts.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 6356, Revised Codes, 1907.

Section 1. That Section 6356 of the Revised Codes of 1907 be, and the same is, hereby amended to read as follows: Section 6356. The sheriff as soon as he receives the list or lists of jurors drawn, shall summon the persons named therein to attend the court at the time mentioned in the order by a written notice by registered mail to that effect addressed to him to the post office address named in the jury list and deposited in the post office with the postage thereon prepaid, except in cases where the district judge expressly directs that such service shall be made by giving personal notice, and shall return the list to the court at the opening of the regular session thereof, or at such session or time as the jurors may be ordered to attend, specify-

Service of summons on jurors by registered letter.

Exception.

Return, when and how made.

ing the names of those who are summoned and the manner in which each person was notified.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage.

Approved Feby. 6, 1911.

CHAPTER 10.

An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of State Boiler Inspector.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1641 of the Revised Codes of Montana of 1907, be and the same is hereby amended so as to read as follows: Amending Section 1641, Revised Codes, 1907.

Section 1641. There shall be three Assistant Inspectors of Boilers, each of whom shall be called Assistant Inspector of Boilers. Such Assistant Inspectors must be persons who have had at least four years practical experience in the operation of steam engines and boilers and must be persons of temperate habits and good character and qualified to perform the duties of their office. They shall be appointed by the Governor, by and with the advice and consent of the Senate, and be subject to removal at the will of the Governor. The salary of each Assistant Inspector shall be \$2100.00 per year. Each Assistant Inspector must execute an official bond in the sum of \$2500.00. Assistant boiler inspector.

There shall be a clerk to the State Boiler Inspector to be appointed by the Governor who shall also perform the duties of Clerk of the State Quartz Mine Inspector and Clerk of the State Coal Mine Inspector. Qualifications.

The salary of the Clerk to the Boiler Inspector shall be \$1500.00 per year and the clerk must execute an official bond in the sum of \$2000.00. Appointment.

Section 2. All Acts and parts of acts in conflict with the provisions of this Act are hereby repealed. Salary.

Section 3. This Act shall take effect and be in force from and after its passage and approval by the Governor. Repealing clause.

Approved Feby. 6th, 1911.

CHAPTER II.

"An Act to regulate the dispensing, sale and giving away of Opium, Morphine, Alkaloid-Cocaine or Alpha or Beta Eucaine, or Codeine or Heroin, or any derivative, mixture or preparation of any of them, the prescribing of the same by licensed physicians or veterinarians, providing penalty for the violation thereof, and repealing all Acts and parts of Acts in conflict herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Regulating the sale of opium, morphine, cocaine and other drugs.

Prescription to be filled but once and retained by druggist.

Filing and indorsing prescriptions.

Kept separately and retained two years.

Inspection and copies by peace officers.

Proviso.

Physicians may dispense.

Patent and proprietary medicines.

Section 1. It shall be unlawful for any person to sell, furnish or dispose of any opium, morphine, alkaloid-cocaine, or alpha or beta eucaine, or codeine or heroin, or any derivative, mixture or preparation of any of them, except upon the signed prescription of a physician, or veterinarian duly licensed under the laws of this state, which prescription shall be retained by the person dispensing the same, shall be filled but once, and of which no copy shall be taken by any person, except as hereinafter provided. The person dispensing the same at the time thereof shall indorse on the back of such prescription the name and street and house number of the person to whom dispensed; and the proprietor or manager of the store where dispensed shall keep all such prescriptions in a permanent file separate from all other prescriptions, in his place of business for the period of two years after the same shall have been dispensed, and shall at any time allow the same to be inspected, and copies thereof to be made by any peace officer, the prosecuting attorney of the county where sold, or any authorized inspector of drugs: Provided, that nothing herein contained shall prohibit any manufacturer or licensed druggist from selling or delivering any of the above named to a person known to be a licensed physician, licensed veterinarian, or licensed druggist, nor prohibit a physician from dispensing the same in good faith to his patients, nor prohibit the sale of patent or proprietary or medicinal preparations containing opium or morphine, in combination or compound with other active elements where the dose of opium is less than one-quarter

grain, or morphine not more than one-twentieth grain, or codeine not more than one-quarter grain or heroin not more than one-twelfth grain.

Section II. It shall be unlawful for any physician to sell or give to or prescribe for any person any opium, morphine, alkaloid-cocaine, or alpha or beta eucaine, or codeine or heroin, or any derivative, mixture or preparation of any of them, except to a patient believed in good faith to require the same for medical use, and in quantities proportioned to the needs of such patients.

Limiting dispensing by physicians.

Section III. Any person found guilty of the violation of this Act shall be punished for each separate offense, (and each and every individual case shall constitute a separate offense) by a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period of not less than sixty days nor more than one hundred days, or by both such fine and imprisonment.

Penalty for violating this act.

Section IV. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section V. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby. 7th, 1911.

CHAPTER 12.

An Act authorizing the Commissioner of Insurance to examine into the affairs of any corporation, association or company in process of organization, or being promoted in this State for the purpose of transacting the business of insurance, and providing for the publication of the result of such examination if deemed expedient and necessary.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Commissioner of Insurance shall, as often as he deems it expedient, examine into the affairs of any corporation organized under any law of this state or having an office in this state, which corporation is engaged in, or is claiming or advertising that it is engaged in organizing or receiving subscriptions for, or disposing of stock of, or in any

Commissioner of insurance may examine affairs of insurance companies being organized.

May appoint
examiners for
the purpose.

Whom they
may examine
under oath.

Books and papers
to be produced by
corporation and
its officers.

Shall facilitate
the examination.

Report of
examiners.

Report of exam-
iners to be pre-
sumptive evidence,
where.

Hearing may be
granted corpora-
tion.

Publication of
examination.

manner aiding or taking part in the formation or business of, an insurance corporation or corporations, or which is holding the capitol stock of one or more insurance corporations; for the purpose of controlling the management thereof as voting trustee or otherwise. For such purpose he may appoint as examiners one or more competent persons not officers of, or connected with or interested in any insurance corporation other than as policy holders; and upon such examination he, his deputy or any examiner authorized by him may examine under oath the officers and agents of such corporation and all persons deemed to have material information regarding the company's property or business. Every such corporation, its officers and agents, shall produce its books and all papers in its or their possession relating to its business or affairs, and any other person may be required to produce any book or paper in his custody deemed to be relevant to the examination, for the inspection of the Commissioner, his deputies or examiners, whenever required, and the officers and agents of such corporation shall facilitate such examination and aid the examiner in making the same so far as it is in their power to do so. Every such examiner shall make a full and true report of every examination made by him, verified by his oath, which shall comprise only facts appearing upon the books, papers, records or documents of such corporation, or ascertained from the testimony, sworn to, of its officers or agents or other persons examined under oath concerning its affairs, and such conclusions and recommendations as may reasonably be warranted from such facts so disclosed and said report so verified, shall be presumptive evidence in any action or proceeding in the name of the people against the corporation, its officers or agents, of the facts stated therein. The Commissioner shall grant a hearing to the corporation examined before filing any such report; and may, if he deems it for the interest of the public to do so, publish any such examination as contained therein in one or more newspapers of the State.

Section 2. All acts and parts of acts in conflict with

this act are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect after its passage and approval by the Governor.

Approved Feby. 7, 1911.

CHAPTER 13.

"An Act To Amend Section 6385 Of The Revised Codes Of Montana, Relating To The Right To Practice Law In The Courts Of This State."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 6385 of the Revised Codes of Montana be amended so as to read as follows:

Amending Section 6385, Revised Codes, 1907.

"Section 6385. Every citizen of the United States, or person resident of this state, who has bona fide declared his or her intention to become a citizen in the manner required by law, who has been admitted to practise law in the highest courts of another state, or of a foreign country, where the common law of England constitutes the basis of jurisprudence, may be admitted to practice in the courts of this state, upon the production of his or her license, and satisfactory evidence of good moral character; but the court may examine the applicant as to his or her qualifications. Provided, however, that any person who is a non-resident of the State of Montana and who has been admitted and is at the time authorized to practice law in the highest courts of another state, or of a foreign country may, upon motion of any attorney admitted to practice in the courts of this state, be permitted by the court to appear as attorney in any action or proceeding in such court and shall when so permitted be entitled to the same rights and privileges and be subject to the same duties and obligations with respect to such actions or proceeding as an attorney duly admitted to practice in the courts of this State."

Admission to the bar of attorneys from other states.

Court may examine applicant.

Non-resident attorneys admitted on motion to practice in any action.

Approved Feby. 9th, 1911.

CHAPTER 14.

"An Act to Amend Section 6658 of the Revised Codes of Montana, Relating to Attachments."

Be it enacted by the Legislative Assembly of the State of Montana :

Amending Section
6658, Revised
Codes, 1907.

Section 1. That Section 6658 of the Revised Codes of Montana be amended so as to read as follows:

Attachments
before debt is due.

"Section 6658. (Attachments prior to maturity of debt.) Actions may be commenced and writs of attachment issued upon any debt for the payment of money or specific property before the same shall have become due when it shall appear by the affidavit in addition to what is required in Section 6657, Chapter 4; Title VIII, Part II of the Code of Civil Procedure:

What affidavit
must contain.

First; That the defendant is leaving, or is about to leave this state, taking with him property, moneys or other effects, which might be subjected to the payment of the debt, for the purpose of defrauding his creditors; or,

Defendant about
to leave state.

Second; That the defendant is disposing of his property, or is about to dispose of his property, subject to execution, for the purpose of defrauding his creditors;

Defendant about
to dispose of prop-
erty to deferred
creditors.

Provided, however, that on the trial of any cause brought under the provisions of this Section judgment may be rendered on any such debt not due upon satisfactory proof to the court of the facts alleged in the affidavit for attachment, as provided in this section. Any such judgement shall be with a rebatement of the interest from the time said judgement is rendered until the time at which said debt shall have become due.

Proviso.

Judgment in cer-
tain cases.

Rebating interest.

Provided, also, that the defendant may by plea put in issue the matter alleged in the affidavit herein required, and if the plaintiff fails to substantiate some one of the causes required to be alleged in said affidavit, the suit for debt or debts not due shall abate."

Proviso.

Defense.

Suit to abate
when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved Feby. 9th, 1911.

CHAPTER 15.

An Act to amend Section 288 of the Revised Codes of 1907, concerning Free Public Employment Offices in Cities.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That Section 288 of the Revised Codes of 1907 be amended so as to read as follows: Section 288. It is the duty of the common council of any incorporated city of the first or second class within this State, and it shall be lawful for the common council of any incorporated city other than a city of the first or second class within this State, to provide for the establishment of a free public employment office to be conducted on the most approved plans, and to provide for the expenses thereof out of the revenues of the city in which the same is established. The annual report of the Commissioner of Agriculture, Labor and Industry shall contain a detailed account of the transactions of all free employment offices within this state, showing the number of applicants for help, the number of applicants for employment, male and female, the number securing employment through said offices, and the expenses thereof.

Amending Section 288, Revised Codes, 1907.

Free public employment office.

Common council of cities to establish.

Expenses.

Annual report of commissioner of agriculture, labor and industry to show what.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved Feby. 10, 1911.

CHAPTER 16.

An Act to amend Section 850 of the Revised Codes of 1907, relating to the election of school trustees and classification of school districts.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That Section 850 of the Revised Codes of 1907 be, and the same is, hereby amended to read as follows: Section 850. An annual election of school trustees shall be held in each school district in the state on the first Saturday in April in each year, at the district school house, if there be one, and if there be none, at a place designated by the board of trustees or the county commissioners, as the case may be. All dis-

Amending Section 850, Revised Codes, 1907.

Election of school trustees

When and where to be held.

Districts of the first class.

Districts of the second class.	districts having a population of eight thousand or more, are, and hereafter shall be, districts of the first class.
Districts of the third class.	All districts having a population of one thousand, or more, and less than eight thousand, are, and hereafter shall be, districts of the second class, and all districts having a population of less than one thousand are, and hereafter shall be, districts of the third class.
Number of trustees.	In districts of the first class, the number of trustees shall be seven; in districts of the second class, the number of trustees shall be five, and in districts of the third class, the number of trustees shall be three.
Terms of trustees to be elected each year.	In school districts having a population of over twenty thousand people there shall be elected at the annual election of school trustees to be held on the first Saturday in April, 1911, two trustees for the term of three years each; and that on the first Saturday in April 1912, there shall be elected three trustees for the term of three years each, and two trustees for the term of one year each; and thereafter there shall be elected at the annual election of school trustees, a trustee or trustees to succeed the trustee or trustees whose term expires, which election shall be for the term of three years.
When elected for three years.	A vacancy in the office of school trustee must be filled by appointment by the County Superintendent of Schools, subject to confirmation by a majority of the remaining members of said Board, if those remaining constitute a majority of the total number of the board, which trustee so appointed shall hold office until the next annual school election, at which election there shall be elected a school trustee for the unexpired term.
Vacancies, how filled, and term of office.	
Repealing clause.	Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Section 3. This act shall be in full force and effect from and after its passage and approval. Approved Feby. 10th, 1911.

CHAPTER 17.

An Act providing for the prosecution of actions arising out of the conduct of the affairs of the State Board of Stock Commissioners, to appoint officers to make investigation and to institute and prosecute all proper actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That George E. Hurd, an Attorney at Law, of Glasgow, Valley County, Montana, be, and he is hereby appointed Special Prosecutor for the State of Montana, for, on behalf of and in the name of the State of Montana, to investigate, institute and prosecute any and all actions, civil or criminal, including any special proceeding, and by complaint, information or indictment, or otherwise, by virtue of any violation of the laws of said State, and arising out of the affairs and business of the State Board of Stock Commissioners, and none other; and the said Special Prosecutor shall have authority to employ, at the expense of the State, a stenographer when, in his judgment, necessary to properly transact the business of his office.

George E. Hurd appointed special prosecutor in cases arising out of affairs of the state board of stock commissioners.

May employ stenographer when.

Section 2. That John Dawson, an Accountant, of Helena, Montana, be and he is hereby appointed as Special Accountant, to work under the supervision of the State Examiner, and investigate, check up, audit and examine the books, accounts and all papers belonging to or in any wise connected with the office of the State Board of Stock Commissioners, with the view of determining the condition thereof as to all frauds or wrongs perpetrated in said office or by any employee thereof.

Special accountant. John Dawson appointed.

Duties.

Section 3. That the said Special Prosecutor shall have the same powers, in every respect, and shall be under the same obligations as now conferred by law upon the Attorney General of this State and the County Attorneys of the several counties of the State, so far, but not otherwise, as the investigation of the affairs of said Board of Stock Commissioners is concerned and the conduct of the employees thereof, and of instituting and prosecuting actions, civil, criminal or otherwise, in the name of the State, or, if necessary, in the name

Duties and powers of special prosecutor.

May institute actions, criminal, civil or otherwise in name of state board of stock commissioners.

Proviso.

of the State Board of Stock Commissioners, arising out of the misconduct of the business or affairs of said Board or any of the employes thereof; provided, that nothing in this act shall be so construed as to take away the right or rights of any County Attorney in this State, or the Attorney General, to prosecute by information or otherwise, any action now given by them or him to institute or prosecute.

Compensation of special prosecutor.

Section 4. That the said Special Prosecutor shall receive, as full compensation for his services as such, including the salary of any stenographer said Special Prosecutor may employ hereunder, and all actual and necessary expenses incurred in the performance of his duty, and fees not exceeding the sum of Eight Thousand Dollars (\$8,000.00); and said Special Accountant shall receive for his services, including all actual and necessary expenses incurred in the performance of his duty, a sum not exceeding Two Thousand Dollars (\$2,000.00) for the entire time he is employed as such accountant.

Compensation of special accountant.

Governor may fill vacancy in case of death of special prosecutor or special accountant.

Section 5. That in case of the death or resignation of George E. Hurd, Special Prosecutor mentioned in Section 1 hereof, or of John Dawson, Special Accountant mentioned in Section 2 hereof, the Governor shall appoint a Special Prosecutor or Accountant to fill said vacancy.

Section 6. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 10th, 1911.

CHAPTER 18.

An Act to increase the membership of the Montana State Fish Commission, and to provide for the construction of a fish hatchery, for the propagation of food fish and other fish, in Flathead County, Montana, and to appropriate money therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

State fish commission, increase of.

Section 1. The Montana State Fish Commission is hereby increased to five members, the additional members to be appointed by the Governor in the form and

manner provided by law for the appointment of other members of said Commission, and the terms of said additional members shall be for the same period of time as for other members.

Appointment by the governor.

Section 2. It shall be the duty of the Montana State Fish Commission to provide for the construction of a fish hatchery in Flathead County, Montana, upon a site to be selected by said Commission; said site and water for the use of said hatchery, to be donated to the State free of charge by the citizens of said County; said hatchery shall be constructed by said Commission in such manner and form as they shall deem best, and the bills for such construction to be passed upon and approved by the State Board of Examiners.

Commission to provide for fish hatchery in Flathead county.

Site to be donated.

Hatchery to be constructed by the commission. Cost to be passed on and approved by state board of examiners.

Section 3. There is hereby appropriated out of any moneys in the State Fish and Game Fund, not otherwise appropriated, the sum of Fifteen Thousand Dollars (\$15000.00), or so much thereof as may be necessary for the construction of said hatchery; Ten Thousand Dollars (\$10,000.00) of said sum to be available during the year 1911, and Five Thousand Dollars (\$5,000.00) of said sum to be available during the year 1912.

Appropriation for construction.

Section 4. All acts and parts of acts in conflict with this act, are hereby repealed.

Repealing clause.

Section 5. This act shall take effect and be in force from and after its passage and approval.

Approved Feby. 11, 1911.

CHAPTER 19.

An Act defining the powers and duties of the State Board of Examiners with reference to the erection, completion, decorating and furnishing of the wings of the State Capitol Building.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Board of Examiners be and it is hereby fully authorized and empowered to expend the entire amount of money authorized to be secured from the bond issue provided for by the act of the Eleventh Legislative Assembly entitled An Act to provide for the issue and sale by the State Board of Examiners of bonds for the purpose of erecting wings

State board of examiners empowered to expend entire amount secured from sale of bonds to erect wings to state capitol.

to the state capitol building; and to provide for the erection of said wings under the authority and direction of the State Board of Examiners, approved March 4th, 1909, and in addition thereto the entire amount authorized by the bond issue provided for by the act of the Eleventh Legislative Assembly passed at the extraordinary session thereof, entitled An Act to provide for the issue and sale by the State Board of Examiners of additional bonds for the purpose of erecting wings to the state capitol building and to provide for the erection of said wings under the authority and direction of the said State Board of Examiners, approved December 30th, 1909, in the erection, completion, decorating and furnishing of the wings to the state capitol now in course of construction, and that the only limitation upon the said State Board of Examiners, in their actions with reference to said wings and the full completion, furnishing and decoration thereof be the full amount of said bond issues, namely, the sum of Six Hundred Fifty Thousand (\$650,000.00) Dollars.

Limitation to
amount which
may be expended.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved Feby. 11, 1911.

CHAPTER 20.

An Act to amend Section 1285 Revised Codes of the State of Montana relating to the oath and bonds of members of the board of managers of the Montana Soldiers' Home.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That Section 1285 of the Revised Codes of the State of Montana be, and is hereby amended to read as follows: Section 1285. Oath and Bond. Before entering upon his duties each member of the Board of Managers shall take the oath prescribed by law, and shall execute to the State of Montana a bond in the penal sum of One Thousand Dollars, to be approved by the Governor and filed in the office of the secretary of state, conditioned for the faithful performance of his duties and the honest and faithful disbursement of and

Amending Section
1285, Revised
Codes, 1907.

Oath.

Bond.

Board of managers
of Montana
Soldiers' Home.

accounting for, all moneys and property which may come into his hands as such manager.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved Feby. 11, 1911.

CHAPTER 21.

"An Act to Amend Section 1736 of the Revised Codes of 1907, relating to Hours of Labor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1736 of the Revised Codes of 1907 be, and the same is hereby amended to read as follows: Amending Section 1736, Revised Codes, 1907.

Section 1736

The Period of Employment of working men in all underground mines or workings, including railroad or other tunnels, shall be eight (8) hours per day, except in cases of emergency where life and property is in imminent danger. Hours of labor in underground mines, railroad and other tunnels.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 11, 1911.

CHAPTER 22.

"An Act To Amend Section 3531 Of The Revised Codes Of Montana, Relating To Townsites."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3531 of the Revised Codes of Montana be, and the same is, hereby amended to read as follows, to-wit: Amending Section 3531, Revised Codes, 1907.

"Section 3531. If there be any unoccupied or vacant unclaimed lands within the limits of such city or townsite, the judge may cause the same to be laid out and surveyed into suitable blocks and lots, and must reserve such portions as may be deemed necessary for public squares, churches, school house lots, parks and levees, and cause all necessary roads, streets, lanes and alleys to be laid out through the same and dedicated to Townsites.

Unoccupied or vacant unclaimed ground may be laid out into lots and blocks by the judge.

Portions to be reserved.

Highways to be
laid out.

Sales, to whom
made.

Minimum price.

When to be sold
at auction.

Deeds.

When judge may
sell unplatted
ground.

Showing to
be made.

Manner of sale
and price of un-
platted ground.

Ratifying deeds to
unplatted ground
heretofore sold.

Repealing clause.

public use; and the judge may sell the same in suitable parcels to possessors of adjoining lands residing thereon, or to other persons, at a price not less than ten dollars per lot; and in case two or more claimants apply for the same lot or lots, he must sell the same by auction to the highest bidder for cash. If any such lots remain unsold at the end of six months after the filing of the town plat, the said judge must sell said unclaimed lots, on application, at public auction to the highest bidder for cash, and give deeds therefor to the several purchasers; but, nevertheless, the judge may sell and he is hereby empowered to sell and execute deeds for any unoccupied, vacant and unsurveyed portions of a townsite, without first causing the same to be surveyed or platted into blocks, lots, roads, streets and alleys, or otherwise subdivided, whenever it shall be made to appear to the judge, by a written application to purchase the same, established by evidence that the unsurveyed portions of the townsite sought to be purchased are irregular and fragmentary strips or pieces of land within the exterior boundaries of the townsite, and that they are unoccupied and vacant, and that it would be an unnecessary expense and impracticable to cause the same to be first surveyed or platted into blocks, lots, roads, streets and alleys, or otherwise subdivided; and the sale of such unoccupied, vacant and unsurveyed portions of a townsite shall be conducted, as near as may be, in the manner provided for the sale of town lots, except that the price to be paid for any one irregular, fragmentary, unoccupied, vacant and unsurveyed portion of a townsite shall not be less than one hundred dollars; and all deeds heretofore executed by the judge who has sold and conveyed irregular, fragmentary, unoccupied, vacant and unsurveyed portions of a townsite are hereby confirmed and made lawful, valid and effectual as if such, or any, unsurveyed portion of the townsite had first been surveyed and platted into blocks, lots, roads, streets and alleys, or otherwise subdivided."

Section 2. That all Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

Section 3. That this Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 11, 1911.

CHAPTER 23.

"An Act to Amend Section 3537 of the Revised Codes of Montana, Relating to Townsites."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3537 of the Revised Codes of Montana be, and the same is hereby amended to read as follows, to-wit:

Amending section 3537, Revised Codes, 1907.

Section 3537. No mere informality, failure, or omission, on the part of any person or officer named in this article, invalidates the acts of such person or officer, but every certificate or deed granted to any person, pursuant to the provisions of this article, is conclusive evidence that all preliminary proceedings in relation thereto have been correctly taken and performed. And if the original or first deed executed by the district judge granting and conveying any lot or lots be lost or destroyed or cannot be found, and if such deed or deeds so executed have not been recorded in the office of the county clerk of the county in which the property is situated, the district judge shall, upon written application stating the facts, execute and deliver another deed or deeds, as the case may be, to the purchaser of such lot or lots, or to his heirs or grantees, upon a showing sustained by evidence satisfactory to the district judge that the original or first deed or deeds were executed and have been lost, or destroyed, or cannot be found, and have not been recorded; and all deeds heretofore executed by the district judge in lieu of the original or first deed, or deeds, which have been lost or destroyed, or which could not be found, and which have not been recorded in the office of the county clerk of the county in which the property is situated, are hereby legalized, confirmed and made valid and effectual as if such deed or deeds were the original, first and only deed or deeds executed therefor.

Relating to townsites.

No informality, failure or omission by any person or officer to invalidate acts.

Certificates and deeds conclusive evidence of what.

When district judge may issue another deed.

Showing to be made before second deed is issued.

Legalizing new deeds issued by judge heretofore.

Section 2. That all Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

Repealing clause.

Section 3. That this Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 11, 1911.

CHAPTER 24.

"An Act To Require The Instruction Of Pupils In Public, Private Or Parochial Schools In Fire Dangers And Means of Prevention Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Duties of school teachers to instruct pupils in fire dangers.

Section 1. That every teacher or instructor in every public, private or parochial school consisting of more than ten pupils, shall devote not less than fifteen minutes in each week during which school is in session to the instruction of pupils in fire dangers.

Commissioner of insurance to prepare a book on fire dangers.

For the purpose of such instruction it shall be the duty of the Commissioner of Insurance, to prepare a book conveniently arranged in chapters, or lessons, such chapters or lessons to be in number sufficient to provide a different chapter or lesson for each week of the maximum school year, one of such lessons to be read by the teachers in such school each week; provided, that if it is advisable, and found possible, to secure such lessons as may have been prepared for this purpose, or in use, in another state, the same may be used in this state.

Proviso.

Book to be published at expense of state under directions of state superintendent of public instruction...

The book shall be published at the expense of the state from the amount appropriated for public printing, under the direction of the State Superintendent of Public Instruction, and shall be distributed in quantities sufficient to provide a copy for each teacher required by the provisions of this Act to give the instruction herein provided for; the distribution to be made by the State Superintendent of Public Instruction.

Distribution of books.

Wilful neglect to comply with this act a misdemeanor.

Section 2. Wilful neglect by any principal, or other person, in charge of any public, private or parochial school, to comply with the provisions of this Act shall be a misdemeanor, punishable, each offense, by a fine of not less than Five Dollars or more than Twenty Dollars.

Punishment.

Section 3. This Act shall be in full force and effect Act shall take effect.
on and after July 1, 1911.

Section 4. All Acts and parts of Acts in conflict Repealing clause.
herewith are hereby repealed.

Approved Feby. 11, 1911.

CHAPTER 25.

An act to create the County of Musselshell, designate its boundaries and provide for its organization and government, and to change the boundaries of Ferguson, Meagher and Yellowstone Counties to conform thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that portion of the State of Musselshell county.
Montana embraced within the following boundaries shall be known as, and shall be, Musselshell County, in the State of Montana, to-wit: Beginning at the point Boundaries.
where the middle of the Musselshell river intersects the North line of Township 11 North, Range 31 East, M. M., and thence West to the Northwest corner of Township 11 North, Range 19 East. Thence South along the line between Ranges 18 and 19 to the Southwest corner of Township 5 North, Range 19 East; thence East to the Southeast corner of Township 5 North, Range 26 East; thence North to the Southeast corner of Section 25 of Township 6 North, Range 26 East; thence East to the Southeast corner of Section 29 of Township 6 North, Range 27 East; thence North to the Southeast corner of Section 20 of Township 6 North, Range 27 East; thence East to the Southeast corner of Section 22 of Township 6 North of Range 27 East; thence North to the Northeast corner of Section 22 of Township 6 North, Range 27 East; thence East to the Southeast corner of Section 13 of Township 6 North, Range 29 East; thence North to the Northeast corner of Township 6 North, Range 29 East; thence East to the Southeast corner of Section 31 of Township 7 North, Range 30 East; thence North to the Southwest corner of Section 20, Township 7 North, Range 30 East; thence East to the Southeast corner of Section 20, Township 7 North, Range 30 East; thence

North to the Northeast corner of Section 20, Township 7 North, Range 30 East; thence East to the Southeast corner of Section 16 of Township 7 North, Range 30 East; thence North to the Northeast corner of Section 16 of Township 7 North, Range 30 East; thence East to the Southeast corner of Section 10 of Township 7 North, Range 30 East; thence North to the Northeast corner of Section 10 of Township 7 North, Range 30 East; thence East to the Southeast corner of Section 2 of Township 7 North, Range 30 East; thence North to the Northeast corner of Section 2, Township 7 North, Range 30 East; thence East to the Southeast corner of Township 8 North, Range 31 East; thence North along the line between ranges 31 and 32 East to its intersection with the Boundary Line between Rosebud and Yellowstone counties; thence in a Northwesterly direction following the boundary line between Rosebud and Yellowstone counties, to a point where the old Stanley road crosses the Musselshell river; thence following the Musselshell River down stream, to a point where the Musselshell River crosses the North line of Township 11 North of Range 31 East, and place of beginning.

Attached to the
Thirteenth judicial
district.

Section 2. That for judicial purposes the said county of Musselshell shall be attached to, and become a part of, the Thirteenth Judicial District of the State of Montana.

Roundup the tem-
porary county seat.

Section 3. That the City of Roundup, situate within the boundaries above mentioned, shall be the County seat of the said County of Musselshell until the County seat shall be designated as hereinafter provided.

Selecting perma-
nent county seat.

And for the purpose of definitely fixing and creating the County seat of the County hereby created, the Board of County Commissioners of Musselshell County shall cause to be inserted in the official ballots, when printed for the general election to be held the first Tuesday after the first Monday in November, A. D. 1912, at the foot of the names of the candidates, or nominees thereon, the following: "For the County seat of Musselshell County, _____", and the electors, when

Contents of ballot
selecting county
seat.

voting at the said general election at the time herein

before mentioned shall declare their vote upon said proposition, by inserting in the blank space upon their ballots herein provided for, the name of some town or city within the said County of Musselshell, and when the name of a town or city shall be so inserted in this space by an elector, and the ballots have been cast as provided by law, the name shall be deemed a vote for the designated town or city as the place of a permanent Countyseat of Musselshell County, and upon a canvass of the said ballots the town or city having the highest number of ballots shall be declared by the canvassing Board, the Countyseat of Musselshell County, which result shall be entered in the office of the County Clerk and Recorder of said Musselshell County, and from the date of such declaration of result the town or city selected shall be and remain, until lawfully changed, the Countyseat of Musselshell County. All laws of a general nature applicable to the several counties of the State of Montana, and officers thereof shall be made applicable to said County of Musselshell, and the officers who may hereafter be elected, or appointed therein except as otherwise provided in this Act.

Canvassing ballot and declaring the selection of permanent county seat.

Result shall be entered by the county recorder of record.

General laws relating to counties and officers applicable.

Section 4. That all the indebtedness of Fergus County as the same shall exist on the First day of January, 1911, shall be apportioned between the County of Fergus and the County of Musselshell, by first deducting from said indebtedness the amount of all moneys on hand, and the amount of all moneys belonging to the said Fergus County, and also deducting the value of the real and personal property, within or belonging to the said Fergus County, on the said first day of January, 1911; and the remainder of said indebtedness shall be apportioned between the respective counties, in proportion to the amount of taxable property in Fergus County, and the taxable property in Musselshell County, and heretofore within the boundaries of Fergus County; said amount of taxable property to be ascertained, and said apportionment and valuation of County property to be made by a commission consisting of the Board of County Commissioners of Fergus County and Musselshell County, and the Judge of the Tenth

Indebtedness of Fergus county: apportionment of.

Ascertainment of taxable property of Fergus county and apportionment by commission.

Meeting of commission.

Judicial District of the State of Montana, which said Commission shall meet at the Court House in the City of Lewistown on the second Tuesday of March, 1911, and shall take as a standard for said apportionment of said indebtedness the assessment for the year 1910, as determined by the Board of Equalization of said Fergus County.

Apportionment of
indebtedness of
Meagher county.

Section 5. That all the indebtedness of Meagher County, as the same shall exist on the 1st day of January, 1911, shall be apportioned between the County of Meagher and the County of Musselshell by first deducting from said indebtedness the amount of all moneys on hand, and the amount of all moneys belonging to the said Meagher County, and also deducting the value of all real and personal property within or belonging to the said Meagher County on the said first day of January, 1911; and the remainder of said indebtedness shall be apportioned between the respective counties to the amount of taxable property in Meagher County, and the taxable property in Musselshell County, and heretofore within the boundaries of said Meagher County; said amount of taxable property to be ascertained, and said apportionment and valuation of County property to be made by a commission consisting of the Board of County Commissioners of Meagher County and Musselshell County, and the Judge of the Tenth Judicial District of the State of Montana, which said commission shall meet at the Court House in the Town of White Sulphur Springs on the third Monday of March, 1911, and shall take as a standard for said apportionment of indebtedness the assessment for the year 1910, as determined by the Board of Equalization of the said Meagher County.

Ascertainment of
amount of taxable
property in
Meagher county
and apportionment
by commission.

Meeting of com-
missioners.

Apportionment of
indebtedness
of Yellowstone
county.

Section 6. That all the indebtedness of Yellowstone County as the same shall exist on the first day of January, 1911, shall be apportioned between the County of Yellowstone and the County of Musselshell by first deducting from said indebtedness the amount of all moneys on hand and the amount of all moneys belonging to the said Yellowstone County, and also deducting the value of all real and personal property with-

in or belonging to the said Yellowstone County on the said first day of January, 1911, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Yellowstone County and the taxable property in Musselshell County, said amount of taxable property to be ascertained, and said apportionment and valuation of County property to be made by a Commission consisting of the Boards of County Commissioners of Yellowstone County and Musselshell County and the Judge of the Thirteenth Judicial District of the State of Montana, which said Commission shall meet at the Court House in the City of Billings on the fourth Monday of March, 1911, and shall take as a standard for said apportionment of indebtedness the assessment for the year 1910 as determined by the Board of Equalization of said Yellowstone County.

Ascertainment of the amount of taxable property of Yellowstone county and apportionment by commission.

Meeting of commission.

Section 7. That the respective County Treasurers of Fergus, Meagher and Yellowstone Counties shall at the time of the respective adjustments as provided for in Sections Four, Five and Six of this Act, make out and transmit to the County Commissioners of Musselshell County, a list of all delinquent taxes and amounts of uncollected taxes within the limits of Musselshell County, as above defined, provided that no delinquent taxes due the respective Counties of Fergus, Meagher and Yellowstone, shall be considered in the adjustment of the debt, as hereinbefore provided; but it shall be the duties of the respective Treasurers of Fergus, Meagher and Yellowstone Counties, to collect such delinquent taxes as may be due said respective Counties, and to turn over within thirty days after making such collections to the Treasurer of Musselshell County, a pro rata share of such taxes as they may be able to collect.

Duties of the treasurers of the three counties.

List of delinquent taxes.

Delinquent taxes not to be considered in adjustment.

Collection of delinquent taxes.

It is further provided that should there be a surplus of funds in the hands of the County Treasurers of Fergus, Meagher and Yellowstone Counties, after the adjustment hereinbefore provided, such surplus shall be divided in the same manner and proportion as the indebtedness.

Surplus funds: division of.

Section 8. That upon the adjustments of said indebt-

Duty of county commissioners of Musselshell county to issue warrants for any amounts found due other counties.

Endorsement of warrants and interest.

Bonds may be issued by Musselshell county to pay indebtedness incurred.

Monies due school districts in Musselshell county to be paid when.

Money to be held to the credit of school districts.

Contract for transcribing and indexing records of property and other public records.

Transcripts of records to be compared by the county clerks of the respective counties and certified to by them.

edness it shall be the duty of the County Commissioners of Musselshell County to cause to be made out, issued and delivered to the County Commissioners of Fergus, Meagher and Yellowstone Counties, warrants for any amounts found due these respective Counties, which warrants, upon presentation, shall be endorsed by the Treasurer of Musselshell County, "Not paid for want of funds", and shall thereafter draw interest as other County Warrants.

Section 9. The County Commissioners of the County of Musselshell, for the purpose of paying any indebtedness which may be incurred by reason of assuming any of the indebtedness of Fergus, Meagher and Yellowstone Counties, are hereby authorized and empowered to cause to be issued, and to sell at not less than par, the bonds of said Musselshell County, in an amount equal to said indebtedness so incurred, in the manner provided for by law for the issuance and sale of County bonds.

Section 10. It is hereby made the duty of the respective County Treasurers of Fergus, Meagher and Yellowstone Counties, to transfer and pay over, on or before the first day of September, 1911, all moneys in said Fergus, Meagher and Yellowstone Counties, to the credit of School Districts embraced within the limits of said County of Musselshell, as may have been hereby taken from said Counties of Fergus, Meagher and Yellowstone, which said moneys so transferred shall be held by the Treasurer of said Musselshell County, to the credit and for the use of the same school districts as they formerly existed.

Section 11. That the County Commissioners of the said Musselshell County are hereby empowered, and it shall be their duty, to contract with the lowest responsible bidder, for transcribing and indexing all records of property lying and being within the limits of the County of Musselshell, and all other public records, which transcripts, when compiled, shall be compared with the original records by the respective clerks of the respective Counties of Fergus, Meagher and Yellowstone Counties, and when correct shall be by them so

certified under their official seals, and thereafter the records so transcribed and certified to, shall be received and admitted in evidence in all Courts of law in the State, and be in all respects entitled to like faith and credit as said original records.

Shall be admitted in evidence.

The respective County Clerks of the respective Counties of Fergus, Meagher and Yellowstone, shall receive for their services in comparing and certifying to the correctness of the copies of the said records, Five (5) Dollars per day while engaged in said labor, which amount shall be paid by the County of Musselshell on the completion of said labor.

Compensation of county clerks for certifying and comparing copies of records.

Section 12. The following named persons are hereby appointed to fill the office set opposite their names:

M. M. Klein County Commissioner
 W. C. Jenizen County Commissioner
 L. C. Neace County Commissioner
 A. A. Morris County Treasurer
 K. E. Parks County Assessor
 W. G. Jarrett Clerk of the District Court
 F. W. Dralle Clerk and Recorder
 Desmond O'Neil County Attorney
 Maude Griffin County Superintendent of Schools
 J. L. Fisco County Sheriff
 E. K. Parkinson County Surveyor
 O. R. McVey Public Administrator
 W. H. Brissenden County Coroner

Officers appointed by this act.

All of the said officers shall have the same powers and perform the same duties and be entitled to the same privileges as are by law conferred upon like officers in other Counties, and shall hold their respective offices until next general election, or until their successors are duly elected and qualified.

Powers and duties of county officers.

Said officers, however, before entering upon their duties shall severally give bonds, and take the oath, as required of the County Officers of other Counties of this State, and said bonds shall be filed, as by law required, and approved by the State Auditor.

Term of office.

Bond and oath of office.

Section 13. That the officers appointed and mentioned herein in Section 12 of this Act shall each be allowed to receive as annual compensation for their

Annual compensation of county officers.

services as such officers, as follows, to-wit:

County Commissioners as provided by law
Treasurer Two Thousand Dollars
Assessor Fifteen Hundred Dollars
Clerk of the District Court..Eighteen Hundred Dollars
Clerk and Recorder Two Thousand Dollars
County Attorney Fifteen Hundred Dollars
County Superintendent of

Schools Twelve Hundred Dollars
Sheriff.....Twenty-two Hundred and Fifty Dollars
Surveyor as provided by law
Public Administrator as provided by law
County Coroner as provided by law

Salaries not to be increased until when. The said officers shall enter upon their respective duties, and said salaries shall commence, and shall not be increased until the assessed valuation of said Musselshell County is more than Eight Million Dollars, when said salaries shall be paid for said respective officers as provided in Section 3116 of the Revised Codes of 1907 of the State of Montana.

Municipal townships. Section 14. That, at their first meeting, the said Commissioners of Musselshell County are empowered to subdivide said County into municipal townships and establish road districts, and they are hereby authorized to appoint two Justices of the Peace and two Constables for each municipal township, and road supervisors for each road district when required, as provided by the Revised Codes of 1907 of Montana, who shall hold their respective offices until their successors are elected and qualified. All township and precinct officers, road supervisors, officers of school districts, and all other officers within and for the County Musselshell, whose election or appointments are not provided for, shall or may continue to hold office and exercise the duties pertaining thereto, until the expiration of the term for which said officers were elected or appointed.

Term of minor officers. Court house: when may be built. Section 15. No Court House shall be constructed by the said County of Musselshell until the County seat is, as hereinbefore provided, determined.

Boundaries of Meagher county. The boundaries of the County of Meagher are hereby created and established as follows:

Beginning at the Northwest corner of Section 6, Township 13 North of Range 2 East; thence west six (6) miles, more or less, to the top of the Main Divide of the Big Belt Mountains; thence on a line following a general southeasterly direction on the crest of the range to the point where said Main Divide intersects the present north boundary of Gallatin County; thence east along said boundary to the point of its intersection with the line between Ranges 11 and 12 East; thence north to the southeast corner of Section 36, Township 7 North of Range 11 East; thence east to the southeast corner of Section 36, Township 7 North of Range 18 East; thence north on the line between Ranges 18 and 19 East to a point determined by projecting a true line eastward from the southeasternmost spur of the Little Belt Mountains at Judith Gap to an intersection with said Range line; thence west on a true line to the most southeasterly spur of the Little Belt Mountains at Judith Gap; thence along the crest of said Little Belt Mountains in a general northeasterly direction to a point at which a line projected east from the southwest corner of Section 31, Township 16 North of Range 5 East, will intersect the crest of said Little Belt Mountains; thence west to the southwest corner of Section 31, Township 16 North of Range 5 East; thence south to the point which, when determined by survey, will be the southeast corner of Section 36, Township 15 North of Range 4 East; thence west to the northwest corner of Section 6, Township 14 North, Range 3 East; thence south to the northeast corner of Section 1 Township 14 North of Range 2 East; thence west to the northwest corner of Section 6, Township 14 North of Range 2 East; thence south to the northwest corner of Section 6, Township 13 North, Range 2 East and place of beginning.

Section 17. The boundaries of Fergus and Yellowstone Counties are hereby altered so as to conform to the boundaries of Musselshell County, and the boundaries of Meagher County, as established by this Act.

Boundaries of
Yellowstone and
Fergus counties.

Section 18. All Acts and parts of Acts, so far as the same are in conflict with the provisions of this Act, are hereby repealed.

Repealing clause.

Section 19. This Act shall take effect from and after March 1st, 1911.

Approved Feby. 11, 1911.

CHAPTER 26.

An Act for preventing the manufacture, sale or transportation of adulterated insecticides and fungicides, and for regulating traffic therein and fixing penalties for the violation of this act.

Be it enacted by the Legislative Assembly of the State of Montana:

The manufacture of adulterated insecticide, paris green, lead arsenate and fungicide forbidden.

Section 1. It shall be unlawful for any person to manufacture within the State of Montana any insecticide, Paris Green, lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this act.

Offering for shipment or delivery any adulterated or misbranded articles herein forbidden.

Section 2. Any person who shall offer for shipment, or deliver from any point in the State of Montana to any other point in the State of Montana, any insecticide, or Paris Green, or lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this act; or any person who shall receive, or offer to receive, any insecticide, or Paris Green, or lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this act, and having received, shall sell or deliver, or shall offer for sale or delivery, such adulterated or misbranded insecticide, or Paris Green, or lead arsenate, or fungicide, shall be guilty of a violation of this act.

Receiving or offering to receive forbidden articles.

Selling or offering for sale the articles herein forbidden.

"Adulterated" defined, as used in this act.

Section 3. For the purpose of this Act, an article shall be deemed to be "adulterated"—

Adulterated paris green.

In the case of Paris Green: First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Adulterated lead arsenate.

In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxide (As_2O_5); third, if

it contains arsenic in water soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxide (As_2O_5); fourth, if any substances have been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength; provided, however, that extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled "lead arsenate and water," the percentage of water being plainly and correctly stated on the label.

Proviso.

In the case of insecticides or fungicides other than Paris Green and lead arsenate: First, if its strength or purity fall five per cent or more below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended to use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling or mitigating insects, shall be injurious to such vegetation when used.

Other adulterated insecticides or fungicides.

Section 4. The term "misbranded" as used herein shall apply to insecticides, Paris Green, lead arsenate or fungicide, or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design or device regarding such article or the ingredients of the substances contained therein which shall be false or misleading in any particular.

"Misbranded" defined, as used in this act.

Section 5. For the purpose of this act, an article shall be deemed to be "misbranded"—

When an article shall be deemed "misbranded."

In the case of insecticides, Paris Green, lead arsenate and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure, and they are not plainly and correctly stated on the outside of the package.

In the case of insecticides other than Paris Green and lead arsenates and fungicides: First, if they contain arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label; provided, however, that in lieu of naming and stating the presentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amount of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except insofar as to state the total percentage of inert ingredients present.

Duty of state entomologist.

Section 6. It shall be the duty of the State Entomologist, upon the advice and under the direction of the Director of the Experimental Station, to collect from time to time and deliver to the Director of the Experiment Station specimens of insecticides, Paris Greens, lead arsenates and fungicides in unbroken original packages, manufactured or offered for sale in the State of Montana, for the purpose of determining whether or not such insecticides, Paris Greens, lead arsenates and fungicides are adulterated or misbranded within the meaning of this act.

Any citizen may submit original packages to state entomologist.

Section 7. When any citizen of the State has reason to believe that any particular brand or lot of insecticide or Paris Green, or lead arsenate, or a fungicide, is adulterated or misbranded within the meaning of this act, he may send or deliver to the State Entomologist an original and unbroken package of the article in question. Upon receipt of such a questionable article

Duty of entomologist.

it shall be the duty of the State Entomologist to deliver it to the Director of the Experiment Station, who shall examine or cause an investigation to be made and, at his discretion, may cause chemical examinations of such questioned articles as hereinafter provided.

Duty of director of the experimental station.

Section 8. Upon the receipt of specimens of insecticides, Paris Greens, lead arsenates and fungicides in unbroken original packages, as hereinbefore provided, the Director of the Experiment Station shall make, or cause to be made, a chemical analysis of such specimens for the purpose of determining whether or not they comply with the requirements of this act; Provided, that when the Director has information showing that samples delivered to him for examination are out of lots of insecticides, Paris Greens, lead arsenates or fungicides that have already been examined a sufficient number of times to indicate whether or not they comply with the requirements of this act, then the Director may refuse to examine such lots and so notify the State Entomologist or citizens of the State.

Chemical analysis to be made by director of experimental station.

Proviso.

Section 9. The term "insecticide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any insects, mites or ticks which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "Paris Green" as used in this act shall include the product sold in commerce as Paris Green and chemically known as the aceto-arsenite of copper. The term "Lead arsenate" as used in this act shall include the product or products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. The term "fungicide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

"Insecticide" defined, as used in this act.

"Paris green" defined.

"Lead arsenate" defined.

"Fungicide" defined.

Section 10. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the State of Montana from

When dealer shall not be prosecuted.

Wholesaler, jobber, manufacturers and other persons amenable.

whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it; said guaranty, to afford protection shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Proceedings against forbidden articles in this act in transportation.

Section 11. Any insecticide, Paris Green, lead arsenate or fungicide that is adulterated or misbranded within the meaning of this act and is being transported from one point within the State of Montana to another point within the State of Montana to be sold, wholly or in part, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the State of Montana, shall be liable to be proceeded against in any district court of the State of Montana. If any such article is condemned as being adulterated or misbranded within the meaning of this act, the same shall be disposed of by destruction or by sale, as the said court may direct; and the proceeds thereof, if sold, less the legal costs and charges, shall be come a part of the expense fund as hereinafter provided; but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of the jurisdiction; provided, however, that upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act or the laws of this State, the court may by order direct that such articles be delivered to the owner thereof.

Destroying condemned articles, or sale thereof.

Proceeds of sale.

Provided.

When articles may be redelivered to owner.

Certificate of director of experimental station that article conforms to legal requirements.

Section 12. When any particular lot or brand of an insecticide, Paris Green, lead arsenate, or fungicide, manufactured in the State of Montana, is found to comply with all the requirements of this act, the Director of the Experiment Station shall have authority to issue certificate, and the person to whom such certificate is issued may use the same on packages of the

article so certified, or in advertising matter concerning such articles; provided, however, that articles bearing such certificate shall be subject to re-examination, and if found to fail to comply with all of the requirements of this act, shall be proceeded against as in uncertified articles. Said Director of the Experiment Station shall have authority to levy a fee of from five to fifty dollars for each and every certificate issued in compliance with this section, such fees to be placed in an expense fund as hereinafter provided.

Certified articles subject to re-examination.

Fee for issuing certificate.

Section 13. One-half of all the fines which shall be levied for violations of this act, as hereinafter provided, shall be retained in the treasury of the Montana Agricultural Experiment Station, and these fines, together with the fees as provided for in Section 12, shall constitute an expense fund from which the Director shall pay the necessary and actual expenses incurred by the State Entomologist and the Experiment Station in carrying out the provisions of this act; provided, however, that whenever such fines and fees amount, at any one time, to more than one thousand dollars, the balance above this sum shall be turned into the State Treasury.

Disposition of proceeds of fines.

Expense fund to consist of what.

Limitation of amount in expense fund.

Section 14. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars for the first offense, and upon conviction for each subsequent offense, be fined not less than fifty (\$50.00) dollars nor more than three hundred (\$300.00) dollars, or sentenced to imprisonment for not more than thirty days, in the discretion of the court.

Misdemeanor.

Penalties.

Section 15. The word "person" as used in this act shall be construed to include both the plural and the singular, as the case may be, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also

"Person" defined, as used in this act.

Act or omission of officer, agent or corporation, company or association, the act of principal.

deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the other person.

Repealing clause.

Section 16. All acts and parts of acts in conflict herewith are hereby repealed.

Section 17. This act shall take effect and be in force from and after its passage and approval.

Approved Feby. 15th, 1911.

CHAPTER 27.

An Act providing for the re-recording of every brand or mark upon horses, cattle or livestock, and regulating the making of such record and fixing the fees therefor, and repealing all Acts and parts of Acts inconsistent with the provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Recording of
marks and brands
for livestock.

Section 1. Every person, company or corporation, having horses, cattle or other livestock, and owning a brand or mark, or brands or marks, for the same, shall record such brand or brands, or mark or marks, with the General Recorder of Marks and Brands, on or before the 1st day of November, 1912, such record to be made in the manner now provided by existing laws for the recording of marks and brands.

Marks and brands
not re-recorded
on or after
November 1, 1912,
deemed
abandoned.

Section 2. On and after the first day of November, 1912, no person, company or corporation shall claim or own any brand or mark which has not been re-recorded in accordance with the provisions of this Act, and any failure to re-record a brand or mark under the provisions of this Act shall be deemed an abandonment of the same, and any person, company or corporation shall be at liberty to adopt, and use any brand or mark so abandoned; Provided, that no person, company or corporation shall be at liberty to claim or use any such abandoned brand or mark until after he has caused the same to be recorded in his own name, under the provisions of this Act, and provided further, that before such brand or mark may be claimed or used by such person, company or corporation, the notice specified in the following section shall have been given.

May be used
thereafter by
whom.

Provided that no
person can use
mark or brand
thereafter until it
is recorded.

Further proviso.

Section 3. It shall be the duty of the General Recorder of Marks and Brands to notify the owner of any recorded mark or brand at least sixty days prior to the expiration of the time in this Act provided for the re-recording of any mark or brand, of his right to re-record the same. Such notice shall be given in writing and by registered mail, and shall be addressed to such owner at the postoffice address named upon the books of said General Recorder of Marks and Brands, and such notice shall be complete at the expiration of sixty days from the date of its mailing by said General Recorder of Marks and Brands.

Notice to be given by general recorder of marks and brands.

Notice, how given.

Notice, when complete.

Section 4. It shall be the duty of the General Recorder of Marks and Brands to publish in each and every newspaper printed within the State, at least six times, beginning not less than six weeks prior to the expiration of time in this Act providing for the re-recording of any mark or brand, a notice of the expiration of the time fixed for the re-recording of any mark or brand and of the right of all persons owning any mark or brand to re-record the same, which notice shall not exceed two hundred words, and the General Recorder of Marks and Brands shall also furnish to each newspaper copy to be used as a news item or editorial, calling attention to said publication.

Publication of notice of expiration of time for re-recording marks and brands.

Section 5. All re-recording of old brands or marks, and all recording of new brands or marks shall be done and made in all respects in accordance with the provisions of law now existing for the recording of marks and brands.

Manner of recording and re-recording.

Section 6. For re-recording of any old brand or mark, the General Recorder of Marks and Brands shall be entitled to receive the sum of twenty-five cents; for recording a new brand or mark, or any old brand or mark in the name of a new owner, the General Recorder of Marks and Brands shall be entitled to receive the fees now allowed by law, all such fees to be by the General Recorder of Marks and Brands deposited to the credit of the Stock Inspector and Detective Fund.

Fees for re-recording

Fees for recording.

Stock inspector and detective fund.

Section 7. A Bill of Sale duly witnessed of any recorded mark or brand shall be prima facie evidence of ownership of such brand.

Bills of sales of: prima facie evidence.

Repealing clause.

Section 8. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved Feb. 16th, 1911.

CHAPTER 28.

"An Act Authorizing the State Game and Fish Warden to Appoint a Chief Deputy and Defining His Powers and Duties, and Amending Section 1968, Revised Codes of the State of Montana of 1907, Relating to the Compensation of Deputy State Game and Fish Wardens."

Be it enacted by the Legislative Assembly of the State of Montana :

Chief deputy game
and fish warden:
appointment.
Term of office.

Section 1. The State Game and Fish Warden is hereby authorized and empowered to appoint one Chief Deputy State Game and Fish Warden whose term of office shall be co-extensive with that of the State Game and Fish Warden, but such Chief Deputy so appointed may at any time be removed at the will of said State Game and Fish Warden. Said Chief Deputy shall perform such duties as are by law prescribed for Deputy State Game and Fish Wardens, and such other duties as may be prescribed by the State Game and Fish Warden, and during his absence or inability to act for any reason, shall perform the duties of State Game and Fish Warden.

Removal.

Duties of chief
deputy.

Act does not in-
crease the number
of deputies now
provided by law.

Section 2. This Act shall not increase the number of deputies now by law allowed the State Game and Fish Warden, which is fifteen and said Chief Deputy shall be one of said number.

Amending Section
1968, Revised
Codes, 1907.

Section 3. That Section 1968, Revised Codes of the State of Montana of 1907, be and the same is hereby amended to read as follows:

Salaries of depu-
ties other than
chief deputy.

"Section 1968. The compensation of all special deputy game and fish wardens shall hereafter be at the rate of Fifteen Hundred (\$1500.00) Dollars per annum, except the Chief Deputy, whose compensation shall be at the rate of Eighteen Hundred (\$1800.00) Dollars per annum, payable in monthly installments at the end of each month.

Salary of chief
deputy.

Traveling expenses
of deputies.

Each special deputy game and fish warden, including the chief deputy, shall be allowed Six Hundred

(\$600.00) Dollars per annum, or as much thereof as may be necessary for his actual and necessary traveling expenses in his own district, when actually engaged in discharging the duties of his office, to be paid out of the Game and Fish fund upon vouchers duly audited by the State Board of Examiners."

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 16th, 1911.

CHAPTER 29.

"An Act defining the liability of Persons or Corporations operating any railroad in this State, for Injuries received by Employes thereof, or in consequence of the death of any such employee, by reason of negligence, and to declare, void Contracts restricting such liability."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person or corporation operating a railroad in this state shall be liable in damages to any person suffering injury while he is employed by such person or corporation so operating any such railroad, or, in case of the death of such employee, instantaneously or otherwise, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent, upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employes of such person or corporation so operating such railroad in or about the handling, movement or operation of any train, engine or car, on or over such railroad, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves or other equipment.

Railroads: liability
for injuries to em-
ployees.

Instantaneous
death.

Section 2. In all actions hereafter brought against any such person or corporation so operating such railroad, under or by virtue of any of the provisions of this

Contributory neg-
ligence not to bar
recovery.

Diminution of damages on account of contributory negligence.

When employe not to be held guilty of contributory negligence.

Assumption of risk: when not deemed.

Liability cannot be avoided by any rule or contract.

Proviso.

Set off by any insurance, relief benefit or indemnity paid or contributed by the defendant.

Repealing clause.

Act, the fact that the employe may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employe; Provided, That no such employe who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such person or corporation so operating such railroad of any statute enacted for the safety of employes contributed to the injury or death of such employe.

Section 3. An employe of any such person or corporation so operating such railroad shall not be deemed to have assumed any risk incident to his employment when such risk arises by reason of the negligence of his employer or of any person in the service of such employer.

Section 4. Any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any such person or corporation so operating such railroad to exempt itself from any liability created by this Act shall, to that extent, be void; Provided, that in any action brought against any such person or corporation so operating such railroad, under or by virtue of any of the provisions of this Act, such person or corporation may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employe, or the person entitled thereto, on account of the injury or death for which said action is brought.

Section 5. This Act shall be in force and effect from and after its passage and approval.

Approved Feby. 16, 1911.

CHAPTER 30.

"An Act to provide for the acquisition of land for the use of County Fair Association, Agricultural and Horticultural Societies, to provide for the maintenance thereof, and for the purchase and erection of permanent improvements thereon, and to amend Section 2928 of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. The Board of County Commissioners of any county in the State of Montana, may purchase, receive by donation, and own or hold, a tract of land in their respective County not exceeding One Hundred and Sixty (160) acres, as County Fair Grounds, which land may be used by any County Fair Association, Agricultural or Horticultural Exhibition for the purpose of promoting the interest of agriculture, horticulture and stock raising.

County fair grounds: how acquired.

Section 2. The Board of County Commissioners who shall avail themselves of the provisions of the foregoing Section, may purchase, erect, construct and maintain permanent improvements on such County Fair Grounds.

County commissioners may purchase and maintain permanent improvements thereon.

Section 3. That Section 2928 of the Revised Codes of the State of Montana, 1907, be amended so as to read as follows:

Amending Section 2928, Revised Codes, 1907.

"Section 2928. The Board of County Commissioners of their respective Counties may appropriate out of the general fund of the county treasury, to any County Fair Association, Agricultural or Horticultural Society, holding an annual fair each year in such County, in the sum not to exceed Two Thousand Five Hundred (\$2,500) Dollars for any one year. Such County Fairs, if held, must be held between the first day of July and the first day of November, provided, however, that any money so appropriated shall not be expended for horse racing, contests of speed of any kind, or for any shows or amusements whatsoever."

County commissioners may appropriate \$2,500 annually for county fair.

Date of holding county fairs.

Moneys appropriated not to be used for racing.

Section 4. Any Acts or parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 5. This Act shall take effect from and after its passage and approval.

Approved Feby. 16th, 1911.

CHAPTER 31.

"An Act to Create and Establish a Law Schol at Missoula, to be Conducted and Operated as a Department of the University of Montana, to Provide a Name and to Make an Appropriation therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Law school at
state university.

Section 1. There is hereby created and established in this State and located at the City of Missoula, a Law School, as a Department of the University of Montana.

The law department of the university of Montana.

Section 2. That said Law School shall be known and designated as "The Law Department of the University of Montana."

State board of education: powers regarding regulation and management.

Section 3. The State Board of Education is hereby empowered and given authority to make all necessary rules and regulations with reference to the conduct and management of the said Law School; to map out and provide for the courses of study to be pursued by students attending said Law School; to obtain and provide for necessary quarters, equipment and books therefor, and to retain and hire the necessary professors and instructors to instruct the students therein.

Appropriation for 1911.

Section 4. The sum of six thousand dollars (\$6000.00) is hereby appropriated for the maintenance and conduct of the said Law School to February 28th, 1912, which money shall be used exclusively for the benefit of said Law School.

Appropriation for 1912.

Section 5. The sum of six thousand dollars (\$6000.00) is hereby appropriated for the maintenance and conduct of said Law School to February 28th, 1913, which money shall be used exclusively for the benefit of said Law School.

Section 6. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 17, 1911.

CHAPTER 32.

An act to regulate the sale of goods, wares and merchandise within the State of Montana, known as prison made goods, and to provide penalties for the violation thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall hereafter be unlawful for any person engaged in the trade of buying and selling or of selling any goods, wares or merchandise or articles or thing to knowingly exhibit or sell or offer for sale any goods, wares, merchandise, article or thing which shall have been produced or manufactured or made by convict labor in any prison, unless such goods shall have plainly stamped or marked thereon the words "Prison made".

Prison made goods.

Shall be marked "prison made."

Section 2. Any person or persons who shall knowingly sell or offer for sale any goods, wares or merchandise, article or thing produced, made or manufactured in any prison which said goods, wares, merchandise, article or thing shall not have stamped or marked thereon the words "prison made" shall, upon conviction thereof be deemed guilty of a misdemeanor and shall be punishable by a fine of not less than twenty-five dollars or more than three hundred dollars, or by imprisonment in the county jail of not less than thirty days or more than ninety days, or by both such fine and imprisonment.

Misdemeanor to deal in unless marked "prison made."

Penalty.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved Feby. 17, 1911.

CHAPTER 33.

An act to cede jurisdiction over "The Glacier National Park" to the United States, and for other purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That exclusive jurisdiction shall be, and the same is hereby, ceded to the United States over and within all the territory which is now or may hereafter be included in that tract of land in the State of Mon-

The Glacier national park.

Jurisdiction over ceded to the United States.

State reserves
right to serve civil
and criminal pro-
cess with bound-
aries of park in
certain instances.

State reserves
right to tax per-
sons and corpora-
tions, their fran-
chises and prop-
erty within the
limits of the park.

Proviso.

Repealing clause.

tana set aside by the Act of Congress approved May Eleven, Nineteen Hundred and Ten, for the purposes of a National Park, and known and designated as "The Glacier National Park", saving, however, to the said State the right to serve civil or criminal process within the limits of the aforesaid Park in any suits or prosecution for or on account of rights acquired obligations incurred, or crimes committed in said State, but outside of said Park, and saving further to the said State, the right to tax persons and corporations, their franchises and property, on the lands included in said Park: Provided, however, that jurisdiction shall not vest until the United States through the proper officers notifies the Governor of this State that they assume police or military jurisdiction over said park.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Section 3. This act shall be in force and effect from and after its passage and approval by the Governor.]

Approved Febr'y. 17th, 1911.

CHAPTER 34.

An Act to create the Office of State Sealer of Weights and Measures and Providing the Duties and Powers relative to the Inspection and Sealing of Weights and Measures, and Providing Penalties for the Violation thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

State sealer of
weights and
measures.

Section 1. The Secretary of State is hereby declared to be and is the ex officio state sealer of weights and measures. The county clerks of each county are hereby declared to be deputy sealers of weights and measures of their respective counties. The sealer of weights and measures of each municipal corporation are hereby declared to be deputy sealer of weights and measures of their respective municipal corporations. All deputy sealers of weights and measures shall receive no compensation, other than such as may be provided by law and shall be paid by the county or municipal corporation respectively.

Deputies.

Deputies to be
paid by counties
and municipal
corporations.

Section 2. The Secretary of State as ex officio state

sealer of weights and measures is hereby authorized to appoint not to exceed two deputy state sealers of weights and measures to be designated inspectors of weights and measures. Said inspectors of weights and measures shall receive a salary of one hundred fifty dollars (\$150.00) per month and all necessary expense incurred in making any inspection of weights and measures. The inspectors and deputy sealers of weights and measures shall have authority to do and perform any and all acts authorized by this act under the direction and supervision of the state sealer of weights and measures. All bills and accounts or expenses incurred by the state sealer of weights and measures or by the inspectors of weights and measures shall be presented to and allowed by the state board of examiners in the same manner as provided for other claims contracted for and on behalf of the state of Montana. All fees collected by the state sealer of weights and measures, or by the inspectors of weights and measures provided for in this act shall be paid by the state sealer of weights and measures, at least once each quarter, to the state treasurer for the use and benefit of the State of Montana.

Section 3. The state sealer of weights and measures shall have full authority and supervision over all deputy sealers of weights and measures or any deputies appointed as deputy county sealers of weights and measures and of all sealers of weights and measures which are now or may hereafter be appointed by any municipal corporation organized under the laws of the State of Montana. Said state sealer of weights and measures shall have general supervision over the weights and measures of the state. He shall take charge of the standards of weights and measures and shall procure at the expense of the state any weights and measures that may be necessary and shall cause them to be kept and in no case removed from a fire proof vault in his office except for the purpose of certification or repairs. He shall maintain said standards in good order and shall submit them once in ten years to the National Bureau of Standards for certification. He shall correct the standards of the several counties, cities and towns as

State sealer of weights and measures authorized to appoint two deputies.

Inspectors of weights and measures.

Salaries of inspectors.

Powers of deputies and inspectors.

Bills, accounts and expenses.

Fees collected.

State sealer to have full authority and supervision over all deputies and inspectors.

To have general supervision over the weights and measures of the state.

Standard weights and measures to be procured and kept by state sealer.

To maintain standards.

To correct other standards.

often as he may deem necessary and at least as often as once in five years and where not otherwise provided by law he shall have general supervision of the weights and measures or measuring and weighing devices of the state in use in the state.

Sealer and inspectors to visit and inspect work of all deputies.

May inspect weights, measures and balances of merchants and others.

Annual inspection of scales, weights and measures used by or in dealing with state institutions.

Inspection of weights and measures by state sealer and deputies.

Duty to make annual inspections.

Certificate to be attached to weights and measures.

Certificate: how signed and countersigned.

How numbered.

Section 4. Said state sealer of weights and measures or his inspectors shall visit the various counties, cities and towns in the state in order to inspect the work of the deputy sealers and in the performance of his duty he, or his inspectors, may inspect weights and measures and balances which are used for buying or selling goods, wares, merchandise or other commodities and for public weighing, and shall upon a written request of any citizen, firm or corporation or educational institution of the state, test or calibrate weights and measures, weighing or measuring devices or apparatus used as test standards in the state. He or his inspectors shall at least once annually test all scales, weights and measures used in checking the receipts or disbursements of supplies of every state institution and he shall report in writing his findings to the executive officer of the institution concerned.

Section 5. The state sealer of weights and measures or the deputy county sealers of weights and measures or inspectors of weights and measures may, in the discharge of their duties, inspect weights and measures.

It is hereby made the duty of the state sealer of weights and measures or his inspectors or the deputy sealers of weights and measures to at least once each year, inspect all weights and measures, balances, measuring or weight devices of different kinds throughout the State of Montana. The state sealer of weights and measures shall prepare a certificate of suitable size to be attached or affixed to all weights or measures or measuring devices so tested. Said certificate shall bear a fac simile signature of the state sealer of weights and measures and shall be countersigned by the inspectors of weights and measures, or the deputy sealer of weights and measures or such inspectors of weights and measures as may be designated by any municipal corporation. The certificates as prepared by the state sealer of weights and measures shall be numbered in

consecutive order and shall have printed or stamped upon such certificate the year and shall be furnished to the deputy inspectors of weights and measures of each county or the inspectors of weights and measures in any municipal corporation by the state sealer of weights and measures upon application therefor. The county inspector of weights and measures or inspector of weights and measures in any municipal corporation shall pay to the state sealer of weights and measures for all such certificates so issued to him the sum equal to the actual cost of the number of certificates so received.

Section 6. From and after the first day of August, 1911, it shall be unlawful for any person or persons, firm or copartnership, corporation or association of persons engaged in the trade of buying or selling, purchasing or disposing of or dealing in any merchandise or commodities to any person or persons in the State of Montana without first having had the weights and measures, scales or measuring devices used by them for the purpose of determining the amount or quantity of any article or articles of merchandise, tested and a certification attached thereto by the state sealer of weights and measures or by inspectors of weights and measures or by deputy sealers of weights and measures or by sealers of weights and measures appointed by any municipal corporation in the State of Montana. Such certificate shall be attached or placed in a conspicuous place upon such weighing or measuring device. Any person or persons using any weight or measure or scale or other measuring device after the first day of August, 1911 or annually thereafter, which has not been tested as provided by this act shall, upon conviction thereof, be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00). Any person or persons who shall be deemed guilty of a second offence as provided in this act shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and each and every successive day any person or persons using any weights or measures, scales or other measuring de-

Year date.

Furnished to whom.

Price to be paid for certificates by deputies and inspectors.

Unlawful to use scales, weights or measures which have not been tested and certified after August 1, 1911, and attached thereto.

When certificate shall be attached or placed.

Misdemeanor.

Penalty.

Second offense.

Penalty.

Separate and distinct offenses.

vices shall be and is hereby declared to be a separate and distinct offense.

Duty of all dealers to have weights, measures, scales and balances adjusted and sealed annually between January and March first.

May present same at office of deputy sealer.

Duty of deputy.

Duties of the state sealer, his inspectors and deputies after March 1st of each year.

Scales which must be adjusted and sealed every six months.

Powers of state sealer, his inspectors and deputies in making tests and inspections.

Section 7. Every person or persons, firm, copartnership or corporation engaged in the trade of buying and selling or as a public weigher or user of weights and measures shall, between the first day of January and the first day of March each year, have his weights, measures, balances and scales adjusted and sealed, and may for that purpose present them at the office of the deputy sealer of weights and measures of the county or city wherein he resides and whenever any person presents weights, measures, balances and scales to be adjusted and sealed the deputy sealer of weights and measures of the county or city must forthwith adjust and seal all weights and measures brought to him for that purpose.

Section 8. After the first day of March of each year, the sealer of weights and measures, or his inspectors or the deputy sealers of weights and measures of the county or city, shall visit the places of business and enter upon the carts, wagons or vehicles then in use for the business of all persons engaged in the trade of buying and selling or selling who have weights, measures or balances which have not been sealed during the current calendar year and try, adjust and seal the same. He shall at least once every six months try, adjust and seal every hay scale, wagon scale, railroad track scale or platform scale or balances used in the trade of buying and selling or selling or for public weighing.

Section 9. The state sealer of weights and measures or his inspectors or any deputy sealer of weights and measures shall have power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurement, and the tools, appliances or accessories connected with any or all such instruments or measurements used or employed within the state by a proprietor, agent, lessee or employe in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire, or award.

Section 10. The state sealer of weights and measures or his inspectors or deputy sealers of weights and measures may at irregular intervals examine the commodities sold or offered for sale and test them for correct weight, measure or count. He or his inspector or deputies may for the purposes above mentioned and in the general performance of their official duties, enter or go into or upon and without formal warrant, any stand, place, building or premises or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon or any dealer whatsoever, for the purpose of making the proper tests; and in the exercise of such duties they shall have full police power to enforce any and all reasonable measures for testing such weights and measures, and also in ascertaining whether false or short weights and measures are being given in any sales or transfer of articles or merchandise taking place within the state. Whenever the state sealer of weights and measures or his inspectors or deputies have reason to believe that any person or persons, or corporation is violating the provisions of this act or any act relating to weights and measures they shall submit the evidence to the properly constituted authority in the county in which such violation occurs who shall thereupon prosecute the persons alleged to have violated the provisions of this act or any act relating to weights and measures.

Power to examine commodities sold or offered for sale, and test them for correct weights, measure or count.

For such purposes they may enter, without warrant, what premises.

Powers.

Shall submit evidence of the violation of this act when and to whom.

Duty of authorities to prosecute.

Section 11. The state sealer of weights and measures shall keep a complete record of all work done under his direction and shall make an annual report not later than the first day of January of each year, preceding the meeting of the Legislative Assembly. The inspectors of weights and measures and deputy sealers of weights and measures shall keep a complete record of all work done by them under and by direction of the state sealer of weights and measures and shall report to the state sealer of weights and measures, not later than the fifth of each month, of all work done by them for the preceeding month. The state sealer of weights and measures shall provide a system of records to be kept by all deputy sealers of weights and measures, together with blank reports, upon which all reports of

Record and annual report of state sealer.

Record of inspectors and deputy sealers.

Monthly reports of.

System of records to be provided by state sealer with blanks for reports.

Form provided
must be followed.

said sealers of weights and measures are to be made. The form of record provided by the state sealer of weights and measures for all deputy sealers of weights and measures shall be the form to be observed and kept by them and after the said state sealer of weights and measures shall have prescribed the form of said records, said records and all books and papers shall be filed in the office of the county clerk or city clerk and become a record of said office.

Removal of inspectors.

Section 12. The state sealer of weights and measures shall have the authority to remove any inspector of weights and measures who fails, refuses or neglects to perform any duty imposed upon him by the state sealer of weights and measures. And shall report such facts in relation to such inspectors of weights and measures to the governor of the state of Montana with his approval endorsed thereon. Any person authorized to seal weights and measures in accordance with this act who shall without duly verifying the weights and measures of any person by comparison with the standard of weights and measures, stamps a weight or measure or attaches thereto a certificate that said weight or measure has been duly tested, is hereby declared, upon conviction thereof, to be guilty of a misdemeanor and shall be subject to a penalty of a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00).

State sealer must
report to the
governor the re-
moval of inspec-
tors.

Misdemeanor to
stamp weights and
measures or attach
certificate without
testing same.

Misdemeanor.

Penalty.

Denomination of
weights to be
marked how.

Section 13. Every weight for use in trade, except when the small size of the weight renders it impracticable shall have the denomination of such weight permanently marked on the top side thereof in legible figures or letters; and every measure of capacity for use in trade shall have the denomination and kind thereof permanently marked on the outside of such measure in legible figures or letters.

Denominations of
measures to be
marked how.

Officers shall not
stamp certain
weights and
measures.

A weight or measure not in conformity with this section shall not be stamped by the state sealer of weights and measures or inspector of weights and measures or deputy sealers of weights and measures.

Testing and seal-
ing of apothecaries
weights and liquid
measures.

Section 14. Apothecaries and all other persons dealing in drugs, medicine and merchandise commonly sold by apothecaries' weights or by apothecaries' liquid

measure shall at least once in two years cause such weights and measures so used to be tested and sealed by officers authorized under this act to inspect weights and measures.

Section 15. If any weights, measures or balances can be readily adjusted by such means as the sealer of weights and measures may have at hand, he may adjust and seal them, but if they cannot be readily adjusted, he shall affix to such weights, measures or balances, a notice forbidding their use until he is satisfied they have been so adjusted as to conform with the standard. Any person or persons who remove said notice without the consent of the officer affixing the same shall, upon conviction, be fined in a sum not to exceed fifty dollars (\$50.00).

Notice forbidding use of certain weights, measures and balances.

Removing notice forbidden.

Penalty.

Section 16. All weights, measures and balances which cannot be made to conform to the standard of weights and measures as herein provided shall be stamped "Condemned" or "C. D." by the sealer of weights and measures.

Condemnation and marking of weights, measures and balances.

Section 17. The state sealer of weights and measures or inspector of weights and measures or deputy sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in case of violation of any act relative to the sealing of weights and measures. They shall be returned to the owners or forfeited as the court may direct.

Seizure of weights, measures and balances without warrant for evidence.

Section 18. All itinerant peddlers and hawkers using scales, balances, weights or measures shall take the same to the office of the state sealer of weights and measures or inspector of weights and measures or deputy sealer of weights and measures, before any use is made thereof, and have the same sealed and adjusted annually; and any such persons failing to comply with the provisions of this section shall be fined not less than five (\$5.00) nor more than one hundred dollars (\$100.00) for each offense, and every day such person shall use such scales, balances, weights, or measures without having the same adjusted and sealed as hereinbefore provided for shall constitute a separate and distinct offense. Any itinerant peddler or hawker found

Duty of itinerant peddlers and hawkers to take scales, balances, weights and measures to officers for testing.

Failure to comply.

Penalty.

Separate offenses.

Ice scales used by peddlers and hawkers forbidden.

- Penalty. using any ice scale shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense.
- Standard measures for milk, cream and skimmed milk. Section 19. All milk, cream, and skimmed milk shall be sold only by standard wine measure, and by or in measures, cans, jars, bottles, or other vessels or receptacles which shall, prior to being used in such sale, be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside in this state, or of the town where such milk shall be sold for use; and every person selling any of the same contrary to this section, or delivering any of the same sold contrary hereto, shall be fined for the first offense not less than fifty dollars (\$50.00) and not exceeding one hundred dollars (\$100.00) and for any subsequent offense not less than one hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment. Any purchaser of milk, cream, or skimmed milk having reason to believe that any measure can, jar, bottle, or other vessel or receptacle in which milk, cream or skimmed milk is sold and delivered to him is not of sufficient size or capacity to contain, by standard wine measure, the amount thereof purchased may apply to the sealer of weights and measures, which sealer shall test the capacity of the same and issue to such purchaser his certificate stating the capacity thereof; and if such capacity according to such certificate shall be less than the amount purchased, such purchaser may make complaint and deliver such certificate to any officer authorized to make complaints for the violation of this act.
- Containers of the same to be sealed by what officers.
- Selling or delivering same contrary to this section.
- Penalty.
- Subsequent offenses.
- Penalties.
- Testing capacity of milk containers upon request of customers or purchasers.
- Issuing certificate to purchaser of milk.
- Complaint by purchaser to authorities.
- After January 1, 1912, each glass bottle or jar in which milk or cream is sold must have blown therein its capacity.
- Officers may examine same at any time to ascertain its capacity.
- Section 20. No person or corporation shall, after the 1st day of January, 1912, sell or offer for sale within the state of Montana any milk or cream in bottles or in glass jars unless each of said bottles or glass jars in which said milk or cream is sold or offered for sale shall have blown into it or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner the capacity thereof; and the state sealer of weights and measures or inspector of weights and measures or deputy sealer of weights and measures the right at any time to examine any bottle or glass jar in

which milk or cream is sold or offered for sale in the state of Montana or which is used by any person or corporation for the purpose of containing milk or cream to be sold or offered for sale in order to ascertain whether such bottle or jar is of a capacity not less than that which it purports to be; and if any such bottle or jar is of a less capacity than that which it purports to be, or, if any such bottle or jar shall not have blown into it or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner its capacity as aforesaid, the person or corporation selling or offering for sale milk or cream in any such bottle or jar, or having in his or its possession any such bottle or jar to be used or which has been used for the purpose of containing milk or cream to be sold or offered for sale in said state of Montana shall, upon conviction, be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense; and each and every bottle or glass jar found in the possession of any person or corporation used or to be used, or which has been used by such person or corporation for the purpose of containing milk or cream to be sold or offered for sale in the state of Montana, which shall be found to be of a less capacity than that blown into the same or otherwise so indelibly and permanently indicated thereon, or which shall not have blown into it or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner the capacity as aforesaid, shall constitute a separate and distinct offense on the part of such person or corporation, and upon conviction such person or corporation shall be fined in a sum not less than ten dollars (\$10.00), nor more than three hundred dollars (\$300.00).

Section 21. A person who uses, or has in possession for use in trade, any weight, measure, scale balance, steelyard, or weighing machine which is false or incorrect shall be fined not more than one hundred dollars (\$100.00), or in case of a second offense, not more than two hundred dollars (\$200.00), and any contract for gain, sale or dealing made by the same shall be void and the weight, scale, measure, balance or steelyard shall be liable to be forfeited.

Using bottles or glass jars not conforming to requirements of this section.

Penalty.

Possession of each bottle and glass jar not conformable to requirements of this act a separate offense.

Penalty.

Using or having in possession for use any weights, measures, scales, etc., which are false or incorrect.

Penalty.

Second offense.

Penalty.

When contracts are void.

Legal weights and measures defined.

Section 22. A weight or measure duly stamped by the state sealer of weights and measures or inspector of weights and measures or deputy sealers of weights and measures, or by the National Bureau of Standards shall be a legal weight or measure throughout the state, unless found to be false or incorrect and shall not be liable to be re-sealed because used in any other place than that in which it was originally stamped.

A fraud to sell or offer for sale a less quantity than represented.

Section 23. Whoever sells or offers for sale a less quantity than represented, or sells in a manner contrary to law shall be guilty of fraud and shall be fined not more than one hundred dollars (\$100.00), or in case of a second offense not more than two hundred dollars (\$200.00).

Penalty.

Tolerances to be established by state sealer of weights and measures.

Section 24. The state sealer of weights and measures shall, after consultation with and with the advice of the National Bureau of Standards, establish tolerances for use in the state of Montana, and said tolerances shall be the legal tolerances in the state of Montana.

Refusing to produce for state sealer, inspector or deputy any measure, weight or balances in his possession.

Section 25. A person who neglects or refuses to produce for the state sealer of weights and measures or inspectors of weights and measures or deputy sealers of weights and measures, all weights, measures or balances in his possession and used in trade, or on his premises, or refuses to permit the said officers to examine the same, or obstructs the entry of said officers, or otherwise obstructs or hinders a sealer under this law or violates any of the provisions of this act shall be fined not more than one hundred dollars (\$100.00) and in case of a second offense, not more than two hundred dollars (\$200.00).

Obstructing the entry of such officers, or refusing to permit the examination.

Penalty.

Fees to be charged for certificates.

Section 26. The state sealer of weights and measures or the inspectors of weights and measures or deputy sealer of weights and measures shall demand and receive before the delivery of the certificate provided for in this act the following fees:

Scales.

For inspecting and sealing scales of a capacity of 40,000 pounds and upward, each \$5.00
 For inspecting and sealing scales of a capacity of 24,000 pounds up to 40,000 pounds, each 4.00
 For inspecting and sealing scales of a capacity of 6,000 pounds up to 24,000 pounds, each 3.00

For inspecting and sealing scales of a capacity of 2,500 pounds up to 6,000 pounds, each	2.00	
For inspecting and sealing scales of a capacity of 240 pounds up to 2,500 pounds, each	1.00	
For inspecting and sealing scales of a capacity of 2 pounds up to 240 pounds, each	.50	
For inspecting and sealing hopper scales, each .	2.50	Hopper scales.
For inspecting and sealing two bushel, one bushel and one half bushel measures, each	.10	Bushel measures.
For inspecting and sealing any other dry measures, each	.10	Dry measures.
For inspecting and sealing every automatic weight machine or every instrument or device of a capacity of less than three tons used for weighing or measuring any person or animal for hire or reward, each	1.00	Automatic weight machines; less than three tons.
For inspecting and sealing liquid measures of the capacity of one gallon and upwards, each .	.20	Liquid measures.
For inspecting and sealing any other liquid measures, each	.10	
For inspecting and sealing yard measures, each .	.10	Yard measures.
For inspecting and sealing any linear measure for each each 3 feet	.10	Linear measures.
For sealing bottles and jars each per dozen	.25	Bottles and jars.
The fees provided for in this section if collected by the state sealer of weights and measures or inspectors of weights and measures shall be demanded and received for the use of the state of Montana. Where the inspection of weights and measures is made by any deputy sealer of weights and measures the fees herein provided for shall be demanded and received by said deputy sealer of weights and measures for the use and benefit of the county or city respectively in the following manner.		Fees collected shall be for the use of the state when.
Twenty-five per cent of all fees received by deputy sealers of weights and measures shall be paid to the state of Montana and seventy-five per cent of all moneys collected under the provisions of this act shall be retained by the city or county as the case may be.		Fees collected shall be for use of county or city when.
Section 27. Any deputy county sealer of weights and measures or any deputy city sealer of weights and measures who fails, neglects or refuses to perform any duties or acts provided for in this act, or as may be provided for by any regulations promulgated by the		Twenty-five per cent of certain fees to be paid to the state.
		When deputy fails or refuses to perform duty.

Designation by state sealer of some other person to act.

state sealer of weights and measures, the state sealer of weights and measures is hereby authorized to designate some other duly elected, qualified and acting official of the respective county or city to act as deputy sealer of weights and measures.

State sealer authorized to promulgate rules and regulations.

Section 28. The state sealer of weights and measures is hereby authorized to make and promulgate such rules and regulations for the government, guidance and direction of inspectors of weights and measures and deputy county and city sealers of weights and measures in conformity with this act, as may be necessary to carry out the provisions of this act in a uniform manner.

When rules and regulations shall have the force and effect of law.

Such rules and regulations when promulgated by the state sealer of weights and measures, with the approval of the Governor of the state of Montana endorsed thereon, shall have the same force and effect as if provided for in this act. Such rules and regulations shall be published at least once in a newspaper of general circulation in each county and city of the state of Montana.

Publication of rules and regulations.

Penalty for violating this act when no other penalty is prescribed.

Section 29. Any person or persons violating any of the provisions of this act where no other penalty is provided shall, upon conviction thereof, be fined in a sum not less than twenty-five dollars (\$25.00), nor more than three hundred dollars (\$300.00), or by imprisonment in the county jail not less than thirty nor more than ninety days.

Penalty.

State sealer, his inspectors and deputy sealers, ex officio deputy sheriffs.

Section 30. The state sealer of weights and measures, inspectors of weights and measures or deputy sealers of weights and measures of the various cities, towns and counties, throughout the state shall be, by virtue of their respective offices, deputy sheriffs and as such shall have power to arrest and detain any person violating the provisions of this act without warrant.

Power of arrest and detention.

Fines collected for violations of act.

Section 31. All fees collected for violation of the provisions of this act shall be paid to the state treasurer for support and maintenance of the department of weights and measures. All justices of the peace and clerks of district courts who may collect any fees imposed for the violation of the provisions of this act must, not later than the fifth day of each month, transmit to the state sealer of weights and measures all mon-

Transmission of fees for violations of this act by justices of the peace and clerks of district courts.

eys so collected and the state sealer of weights and measures shall pay the same to the state treasurer taking his receipt therefor.

Section 32. All Acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 33. This act shall be in full force and effect from and after its passage and approval.

Approved Feby. 18, 1911.

CHAPTER 35.

"An Act to provide and fix the salary and compensation of Under Sheriffs in Counties of the First Class."

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That the salary and compensation of Under Sheriffs in Counties of the First Class shall be Two Thousand Four Hundred (\$2,400.00) Dollars per annum, payable in monthly installments of Two Hundred (\$200.00) Dollars per month.

Under sheriffs in counties of the first class.

Annual compensation.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 18, 1911.

CHAPTER 36.

An act to provide for procuring public records, the distribution of debts and assets, and pertaining to the collection of taxes on annexing territory to counties and municipalities, detached from other counties and municipalities.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. When any territory shall be detached from any county, city or town in this State and annexed to any other county, city or town, it shall be the duty of the proper officer of such county, city or town to which said territory so detached shall be annexed, to demand from the proper officer of the county, city or town having custody of the public records of the territory so detached, a transcript of all public records pertaining to such territory; and it shall be the duty of such officer from whom they shall be demaded, to fur-

Transcript of records when any territory is detached from one county, city or town and attached to another.

When officers shall furnish transcript of records.

To be paid for
when and by
whom.

Apportionment of
indebtedness and
credits where ter-
ritory is detached
and attached.

Collection of taxes
in territory de-
tached from one
county, city or
town and attached
to another.

nish such authenticated transcripts of all such records in his office which shall be paid for after they shall be so furnished, by the county, city or town to which said territory so detached shall be annexed.

Section 2. When any territory shall be detached from any county, city or town of this State and the same shall be annexed to any other county, city or town therein, such county, city or town to which the same shall be annexed, shall be liable to the county, city or town from which the territory was so detached, for its just share of liabilities and indebtedness, and shall receive a just share of the credits from the county, city or town from which the same shall have been detached, which shall be apportioned by ascertaining what ratio the portion detached bears to the territory from which the same was detached, and the last prior assessment shall be used as a basis in determining the same.

Section 3. When any territory shall be detached from any county, city or town in this State and be annexed to any other county, city or town therein, it shall in no manner invalidate or interfere with the collection of taxes in such territory, and they shall be collected by and the returns made to the county to which said territory is attached in the manner provided by law for levying and collecting taxes.

Section 4. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved Feby. 20, 1911.

CHAPTER 37.

An Act prescribing the time within which every person, association, company, or corporation, engaged in purchasing, smelting, milling, or otherwise preparing ores, minerals or metals for market, for others shall settle with and pay to the consignors thereof the amounts due thereon, and prescribing penalties for the violation of this act.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That every person, association, company, or corporation, engaged within this state in purchasing

ores, minerals, or metals from, or in smelting, milling or otherwise reducing or preparing the same for market for any other person, or persons, association, company, or corporation shall within twenty days after any such ores, minerals or metals shall have arrived at his, their or its smelter, mill, reduction works, yards or other place for receiving such ores, minerals or metals, make full settlement with and payment of the amount due to the consignor, or consignors thereof, unless restrained or prevented from making such settlement and payment by an order, writ or process of a court of competent jurisdiction. That every such person, association, company, or corporation, to whom or to which any such ores, minerals or metals have heretofore been shipped and delivered, and for which settlement and payments have not been made or had, shall, within twenty days after this act takes effect, make full settlements and payments therefor to, and with the consignor or consignors thereof, unless restrained or prevented from making such settlement and payment by an order, writ or process of a court of competent jurisdiction.

Time within which settlement for ores purchased by smelters and other reduction works shall be made.

Proviso.

Settlement for ores heretofore shipped and delivered.

Section 2. That any person, association, company or corporation, violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars, nor less than five hundred dollars.

Misdemeanor.

Penalty.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby. 20th, 1911.

CHAPTER 38.

An Act to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana and to fix the number of members thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That after the expiration of the Twelfth Legislative Assembly of Montana the membership of the House of Representatives of all legislative assemblies of Montana shall be apportioned amongst and to

Legislative apportionment.

Basis of apportionment.

Number of representatives for the house each county shall elect.

the several counties of the state upon and according to the official Federal census enumeration of the inhabitants of the several counties of Montana had and taken by authority of law in the year 1910 and upon the ratio of one representative or member therein from each county for each forty-eight hundred persons in such county or fractional part thereof in excess of twenty-four hundred persons; provided, each county shall be entitled to at least one member.

Section 2. In accordance therewith each county of the state shall be entitled to and shall elect at each biennial general state and county election the number of members of the House of Representatives in the Legislative Assembly of Montana herein below allotted and apportioned to it and set opposite its name, as follows, to-wit:

Beaverhead County	One member
Broadwater County	One member
Carbon County	Three members
Cascade County	Six members
Chouteau County	Four members
Custer County	Three members
Dawson County	Three members
Deer Lodge County	Three members
Fergus County	Four members
Flathead County	Four members
Gallatin County	Three members
Granite County	One member
Jefferson County	One member
Lewis & Clark County	Five members
Lincoln County	One member
Madison County	Two members
Meagher County	One member
Missoula County	Five members
Park County	Two members
Powell County	One member
Ravalli County	Two members
Rosebud County	Two members
Sanders County	One member
Silver Bow County	Twelve members
Sweet Grass County	One member

Teton County Two members
Valley County Three members
Yellowstone County Five members

Section 3. When ever a new county is created it shall have and be entitled to one member of the House of Representatives until otherwise apportioned.

New counties.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved Feb. 21, 1911.

CHAPTER 39.

An Act to amend Section 1766 of the 1907 Revised Statutes of the State of Montana relative to Registration of Births and Deaths.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1766 of the Revised Statutes of Montana be amended so as to read as follows: Section 1766. The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the people of any locality, the State Registrar is hereby authorized, with the approval of the State Board of Health, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments and they shall be subject to the same requirements, and obligations as the local registrars and shall make returns directly to the State Registrar, as hereinafter provided.

Amending Section 1766, Revised Codes, 1907.

The health officer of each city or town to be local registrar.

State registrar may appoint sub-registrars when.

Authority of sub-registrars.

Burial and removal permits.

And any Justice of the Peace of any township is hereby required to act as local registrar of births and deaths for the district in which he resides when called upon to do so by the State Registrar of Births and Deaths.

Justice of the peace: when to act as local registrar of births and deaths.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved Feby. 23, 1911.

CHAPTER 40.

A Bill for an Act to amend Section 877 of the Revised Codes of the State of Montana and providing for transportation of pupils within the school district where they reside or from one district to another.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 877 of the Revised Codes of the State of Montana be, and the same is, hereby amended so as to read as follows:

Amending Section
877, Revised
Codes, 1907.

Trustees of school
districts: may
close school when.

Sending pupils to
another district.

May pay for trans-
portation of pupils,
and their tuition.

When they may
pay for transport-
ing pupils from
their homes to
schools in their
own district.

"Section 877. That the trustees of any school district in the State of Montana, when they shall deem it for the best interest of all pupils residing in such district, may close their school and send pupils of the district to another district and for such purpose are hereby empowered to expend any moneys belonging to their district for the purpose of paying for the transportation of the pupils from their district to such other district or districts and for the purpose of paying their tuition. whenever the trustees of any school district in the state of Montana deem it for the best interest of such district and the pupils residing therein they may expend any moneys belonging to their district for the purpose of paying for the transportation of pupils from their homes to the public school or schools maintained in such district."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feby. 23, 1911.

CHAPTER 41.

"An Act to amend Section 989 of the Revised Codes of Montana of 1907 relating to the employment of city superintendents of schools, term of employment, and source of compensation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 989 of the Revised Codes of

Montana of 1907 be, and the same is, hereby amended so as to read as follows:

Amending Section 989, Revised Codes, 1907.

Section 989. In every district having a population of two thousand and upwards the board of trustees of such district may appoint a superintendent of schools of the district. He shall be appointed for such term, not exceeding three years, as the Board may deem proper and be paid such salary from the general school fund as is fixed by the board of trustees.

Superintendent of schools in certain districts may be appointed for a term not exceeding three years.

Salary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall take effect from and after its passage and approval.

Approved Feby. 23, 1911.

CHAPTER 42.

"An Act Relating to Qualifications of Teachers and the Granting of Teachers' Certificates to Graduates of the University of Montana."

-Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any graduate of the University of Montana shall, on the registry of his diploma together with his University Certificate of Qualification to Teach, in the office of the State Superintendent of Public Instruction, be entitled to teach in the high schools of the State of Montana without other or further examination, for the term of five years after such graduation, and every such graduate shall, on furnishing the State Board of Education satisfactory evidence of having successfully taught in high schools twenty-seven months, be entitled to have said diploma validated as a life diploma.

Graduates of the university of Montana, when entitled to teach in public high schools.

Section 2. The rules of the Faculty of the University of Montana for the issuance of the University Certificate of Qualification to Teach shall be submitted to the State Board of Education for its sanction.

Life diplomas.

Rules of faculty of the university for issuing university certificate of qualification to be submitted to state board of education for sanction.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage.

Approved Feby. 23, 1911.

CHAPTER 43.

An Act to Authorize the Appointment of One or More Commissioners for the Admeasurement and Division of Water Under a Decree or Decrees of Court in Certain Cases, and Prescribing his or their Duties and Compensation, and repeal Sections 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888 and 4889 of the Revised Codes of Montana of 1907 relating to Water Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana :

Water rights, admeasurement and distribution under decree of court.

When district court may appoint commissioners to admeasure and distribute.

Fees of commission to be fixed by the court.

Court may appoint one as chief commissioner with certain powers and duties.

Court may depose chief commissioner when.

Oath of commissioners.

Section 1. Whenever the rights of persons to use the waters of any stream, water course, spring, lake, reservoir, or other source of supply, have been determined by a decree, or decrees, of a court of competent jurisdiction, it shall be the duty of the judge of the district court having jurisdiction of the subject matter, upon the application of the owners of at least ten per cent. of the water rights affected by the decree, or decrees, in the exercise of his discretion to appoint one or more commissioners who shall have authority to admeasure and distribute to the parties bound by the decree, or decrees, the waters to which they are entitled according to their rights as fixed by such decree, or decrees. At the time of the appointment of any water commissioner or water commissioners his or their fees and compensation must be fixed in the order.

Section 2. When the judge of the district court shall appoint two or more commissioners to admeasure and distribute the waters mentioned in section 1 of this act he may appoint one of them chief commissioner and empower him to exercise direction and control over the other or others in the discharge of their duties. The judge may depose the one appointed chief commissioner from that position and appoint another in his stead whenever it appears to the judge that better service may be given the water users by making the change.

Section 3. Each water commissioner so appointed by the court, shall subscribe and file with the clerk of the district court, an oath of office, before commencing the discharge of his duties as commissioner.

Section 4. Every water commissioner, so appointed, shall hold his office for such time during the irrigating season of each year as may be designated by the judge in the order making such appointment; provided, that the judge may in his discretion, at any time, change the time for the closing of the commissioner's service.

Term of office of commissioners.

Section 5. Every water commissioner appointed by the judge of the district court for that purpose shall have the authority to admeasure and distribute to the parties interested under such decree or decrees the water to which those who are parties to the decree or decrees, or privy thereto, are entitled according to their priority as established by the decree or decrees. The water commissioner, in case the parties fail or refuse to do so, may incur necessary expenses in the making of headgates or dams for the distribution of the waters, and such expense shall be assessed against and paid by the party or parties for whom such services in the repair of the ditch or ditches, and the making of any dams or headgates, were necessary.

Power of commissioners in ad-measuring water.

May incur expenses in making headgates and dams when.

By whom such costs are to be paid.

Repair of ditches.

Section 6. Upon written request of the owners of at least fifty-one per cent. of the water rights in any adjudicated ditch or single water system the judge of the district court may empower the commissioner to maintain and keep in reasonable repair such water ditch or water system at the expense of the owners thereof, and for such purposes the commissioner shall have authority to enter and work upon any ditch, canal, aqueduct, or other source of conveying the waters affected by the decree and the right of way thereof, and to visit, inspect and adjust all headgates or other means of distribution of such waters.

When commissioners may be empowered to maintain and keep in repair water ditches or systems.

Authority of commissioners in such instances.

Section 7. If any commissioner shall fail to perform any of the duties imposed upon him by the order of the judge of the district court he shall be deemed guilty of a contempt of said court.

Failure to perform duty a contempt of court.

Section 8. For the purposes of carrying out the provisions of this act each commissioner appointed by the court shall have authority to enter upon any ditch, canal, aqueduct, or other source for conveying the waters affected by the decree, and to visit, inspect, and

Further authority of commissioners.

Power to make arrests.

adjust all headgates, or other means of distributing the waters, and shall have the same powers as a sheriff or constable to arrest any and all persons interfering with the distribution made by him, to be dealt with according to law.

Record of daily distribution of water to be kept and summary thereof to be filed monthly with clerk of court.

Section 9. Each water commissioner must keep a daily record of the amount of water distributed to each water user, and must file a summary of such record with the clerk of the court monthly, during his term of service, showing in detail the total amount of water distributed to each water user during such month daily, and the amount of cost therefor based upon the water commissioner's or commissioners' salary per day and the proportionate amount of water distributed. When two or more water commissioners serve under the same decree or decrees by order of the judge they may file a joint summary of their record with the clerk of the court, or the chief commissioner, if one has been appointed by the judge, may file a summary in behalf of all of them.

What summary shall show.

Joint summary of commissioners.

Other charges which court may allow.

Section 10. The judge may also allow as a charge any expenses necessarily incurred by the water commissioner in the discharge of his duties, in the employment of extra labor for the repair of dams, headgates, ditches, or flumes, when immediate action is necessary to preserve the rights of the parties entitled to the waters of such stream, or when the judge has, in the order appointing the commissioner, required the commissioner to repair ditches and keep in repair necessary headgates, ditches or flumes. The water commissioner shall report all such expenses and the cost thereof shall be taxed against the party or parties for whose benefit the same were incurred.

All expenses to be reported and costs taxed against the proper parties.

When telephone expenses may be allowed.

Section 11. The judge may also allow as a charge reasonable expenses incurred by a water commissioner in telephoning to the judge for instructions in cases of emergency; and when there are two or more commissioners acting under the judge's order reasonable expenses incurred in communicating with each by telephone, or with the judge of the district court, in order to carry on the distribution of the waters harmoniously

and in accordance with the decree shall be deemed a necessary expense; these expenses shall be reported by the water commissioner or commissioners at the close of the season and shall be taxed against all the water users affected by the decree or decrees ratably in proportion to the whole amount of water distributed to them during the season.

Telephone expenses shall be reported at close of session and taxed, how.

Section 12. Upon the filing of the monthly report by the water commissioner or water commissioners the judge of the court shall make an order apportioning the total amount of the fees and compensation allowed to such commissioner or commissioners for such month, as well as the expenses necessarily incurred by him or them, and charge the same proportionately to the persons using water during such month according to the number of inches of water used by such persons each day, except as herein otherwise provided.

Court to make an order apportioning fees and expenses, when and how.

Section 13. As soon as the judge of the court shall file with the clerk of the court his order fixing the fees, compensation and expenses of the water commissioner or commissioners, the clerk of the court forthwith shall notify each person mentioned in such report by mail of the amount he is made liable for by the judge's order and that objections to such order may be made by any person interested therein within twenty days after the filing of the order, and unless objections thereto are filed the order will be deemed final. . At any time during said twenty days any person objecting to such report may make a motion to retax and adjust the same, and the judge shall hear and determine the motion and make orders in reference thereto as in the re-taxation of costs in other cases. The affidavit of the clerk that he has mailed a notice to each person mentioned in the report at such person's last known post office address in the usual manner shall be deemed prima facie evidence that the person received the notice provided for in this section.

When order fixing fees, expenses, etc., is filed with the clerk, he shall notify the respective persons of the amount he is liable for, and when objections thereto may be made.

When motion to retax and adjust the same.

Proof of service of notice.

Section 14. After the order of the court fixing the fees and compensation and expenses of the water commissioner or commissioners is final it shall have all the force and effect of a judgment as against the person

When order fixing fees, compensation and expenses shall have the force and effect of a judgment.

When water has been admeasured to a tenant or lessee.

When executions may issue.

Written complaint by dissatisfied user.

Time to be fixed for hearing such complaint or petition.

Hearing thereon.

Findings and order upon such hearing.

Judge may remove commissioners.

May be proceeded against for contempt, when.

to whom the water was admeasured and for whose benefit it was used. When the water used has been admeasured to a lessee, or tenant in any degree, of the owner of the land upon which the water was used, the order shall have the effect of a judgment against the property of the lessee or tenant only. Execution may issue upon the order as upon a judgment by direction of the court or judge upon the application of any person interested therein.

Section 15. Any person owning or using any of the waters of such stream, who is dissatisfied with the method of distribution of the waters of such stream by such water commissioner or water commissioners, and who claims to be entitled to more water than he is receiving, or is entitled to a right prior to that allowed him by such commissioner or water commissioners, may file his written complaint, duly verified, setting forth the facts of such claim. Thereupon the judge shall fix a time for the hearing of such petition and shall direct that notice be given to the parties interested in such hearing, the judge may deem necessary. At the time fixed for such hearing, the judge must hear and examine the complainant and such other parties as may appear to support or resist such claim, and also examine such water commissioner or water commissioners and witnesses as to the charges contained in said complaint. Upon the determination of the hearing, the judge shall make such findings and order as he may deem just and proper in the premises. If it shall appear to the judge that the water commissioner or water commissioners have not properly distributed the water according to the provisions of the decree, then the judge shall give the proper instructions for such distribution. The judge may remove such water commissioner or water commissioners and appoint some other person or persons in his or their stead, if he deems that the interests of the parties in the waters mentioned in such decree will be best subserved thereby, and if it shall appear to the Judge that the said Water Commissioner or Water Commissioners have

wilfully failed to perform their duties, they may be proceeded against for contempt of Court, as provided in contempt cases. The judge shall make such order as to the payment of costs of such hearing as may appear to him to be just and proper.

Costs of such hearings.

Section 16. Sections 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, and 4889 of the Revised Codes of 1907 are hereby repealed.

Repealing clause.

Section 17. This Act shall take effect from and after its passage and approval.

Approved Feby. 23, 1911.

CHAPTER 44.

"An Act to Amend Section 673 of the Revised Codes of the State of Montana 1907 Relating to the Duties of the President of the University of Montana and of Changing the Date of Filing Annual Report.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 673 of the Revised Codes of Montana 1907 be, and the same is, hereby amended to read as follows:

Amending Section 673, Revised Codes, 1907.

Section 673. The President of the University shall be the President of the general faculty, and of the special faculties of the several departments or colleges and the executive head of the institution in all its departments. As such officer he shall have authority, subject to the State Board of Education to give general direction to the instruction, practical affairs and scientific investigations of the several colleges, and as long as the interests of the institution requires it, he shall be charged with the duties of one of the professorships. He shall perform the duties of the corresponding secretary for the University. He shall, annually, on or before the fifteenth day of June in each year, make a report to the State Board of Education, showing in detail the progress and condition of the University during the previous year, the number of professors and students in the several departments and classes, the nature and results of all important experiments and investigations, and such other matters, relating to the proper government, and educational work of the institution as he

President of the university to be president of the general and all special faculties of each department or college.

Authority and duties.

Corresponding secretary. Annual report.

Contents of report.

Special reports.

shall deem useful. It shall also be the duty of said president to furnish any special report when requested to do so by the State Board of Education or by the Legislature.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after is passage.

Approved Feby. 23, 1911.

CHAPTER 45.

"An Act To Amend Section 2055 Of The Revised Codes of Montana, Relating To The Care And Maintenance Of The Indigent Poor, Sick And Infirm."

Be it enacted by the Legislative Assembly of the State of Montana :

Amending Section 2055, Revised Codes, 1907.

Section 1. That Section 2055 of the Revised Codes of Montana be, and the same is, hereby amended so as to read as follows:

Proposal and contract for care of county sick, poor and infirm.

"Section 2055 (§3205). The proposal must be addressed to the clerk of the Board, and the board must annually at their September session award the contract for the care, support and maintenance of the sick, poor and infirm of the county to the lowest responsible bidder for the ensuing year.

County commissioners of counties owning poor farms of sufficient capacity may employ a superintendent of same, where the poor, sick and infirm may be cared for.

Provided, however, that in a county owning a county poor farm with suitable buildings of sufficient size to care for the indigent, sick, poor and infirm of such county, the county commissioners of such county may employ some suitable person as superintendent of such poor farm, and the county may maintain the said indigent poor, sick and infirm at said farm at the expense of such county. Such superintendent shall at all times be under the control of and subject to the orders of the board of county commissioners, and may be removed by them at any time."

Superintendent under control of county commissioners.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 23, 1911.

CHAPTER 46.

An Act to Amend Section 3327 of the Revised Codes of Montana of 1907, relating to the establishment of Fire Departments.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3327 of the Revised Codes of Montana of 1907 be amended so as to read as follows:

Amending Section 3327, Revised Codes, 1907.

Section 3327. Such fire department, when established, may consist of: One chief of the fire department, as many assistant chiefs of the fire department, and such number of firemen as the council may from time to time provide, and may also include a city electrician, and as many assistant electricians as the council may from time to time provide. The compensation of the chief of the fire department and assistant chiefs of the fire department and firemen in cities and towns where the council shall establish a paid fire department, and said city electrician and assistant city electricians, shall be fixed by ordinance. The mayor shall nominate and with the consent of the council appoint the chief of the fire department, the assistant chief or chiefs of the fire department and all firemen, and such appointment shall be first made for a probationary term of six months, and thereafter the mayor may nominate and with the consent of the council appoint such chief and assistant chief or chiefs of the fire department and firemen who shall thereafter hold their appointment during good behavior, and while they have the physical ability to perform their duties. The chief of the fire department and the assistant chief or chiefs of the fire department and the firemen shall not be deemed officers of the municipal corporation in which such fire department is established.

Fire departments of cities and towns.

Shall consist of.

Compensation of members to be fixed by ordinance.

Mayor shall nominate and with consent of council appoint.

Probationary term.

Term of office.

The chief and assistants of the fire department not deemed officers of the municipality.

Section 2. All other Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feby. 23, 1911.

CHAPTER 47.

An Act Providing for the Location, Establishment, Management, and Conduct of the Montana State Fair, and Repealing Chapter VIII, of Part III, Title V, of the Revised Codes of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Montana state
fair, established.

Section 1. That for the promotion of the public welfare and in order to give prominence and publicity to the resources of the State of Montana, there is hereby established a state institution to be known and designated as, "The Montana State Fair."

Object and pur-
poses.

Section 2. The objects and purposes of said institution shall be to encourage the location and settlement of the public lands within this State, and to encourage immigration and capital in aid of the further development of our natural resources; and to better disseminate knowledge concerning the growth, prosperity, and possibilities of agriculture, stock raising, horticulture, mining, mechanic arts, and industrial pursuits in this State. To this end the management of said institution shall provide an Annual State Fair or Exposition of all said enumerated products, which Fair shall be conducted for a period of not more than two weeks as the management may designate between the fifteenth day of August and the fifteenth day of October of each year.

Duty of the man-
agement to provide
an annual state
fair or exposition.

Time of holding
and limit of dura-
tion.

Management and
control vested in
board of five direc-
tors to be ap-
pointed by the
governor.

Term of office of
directors.

Section 3. The management and control of the administration of said Fair shall be vested in a Board of Directors, consisting of five persons to be appointed by the Governor, from the State at large.

The Governor shall make appointment of one of said directors for a term of six years, two for a term of five years, one for a term of four years, and one for a term of two years, and they shall each hold office during the term of their appointment and until their successor is duly appointed and qualified, providing, however, that any of the said directors may be removed by order of the State Board of Examiners for mis-feasance, non-feasance, or mal-feasance in office after hearing first had before said Board on any charges preferred in writing against any such director.

Directors may be
removed by order
of state board of
examiners, when.

Section 4. The expenditure of all appropriations and revenues derived from the conduct of said Fair shall be vested exclusively in the hands of the Board of Examiners and all money received from the conduct of said institution shall be received and collected as may be directed by the State Board of Examiners, and when received shall be at once deposited with the State Treasurer to the credit of the "Montana State Fair Fund", and shall not thereafter be expended save and except on the approval of the State Board of Examiners.

Expenditures and receipts exclusively under the control of state board of examiners.

Money collected to be paid into state treasury to credit of Montana state fair fund.

Section 5. On the call of the Governor, the said Board of Directors shall within thirty days after their appointment meet at the Capitol Building in the city of Helena, for the purpose of considering the proper administration of the business and affairs of said institution, and they shall at that time organize by electing a president and a secretary. They are also authorized to employ such other officers, laborers, or assistants as shall first have been approved by order of the State Board of Examiners. It may adopt such rules and regulations not inconsistent with law as in their judgment will best be calculated to contribute to the advancement of the purposes of said institution. After their organization, said Board of Directors are hereby required to meet at the Capitol Building in the city of Helena in the months of January and June of each year, and they shall be in constant attendance at the Fair during the period of each Annual Exhibition.

First meeting of directors to be held at capitol building upon call of the governor, and board to organize and elect a president and secretary.

Employment of other officers and persons.

Rules and regulations.

Biennial meetings, when and where held.

Shall continually attend fair meetings.

Section 6. The Secretary of the Board of Directors shall hold office for a period of four years and shall receive a salary of three thousand (\$3000.00) dollars per year for his work and services in connection with the business and affairs of said Fair, and each of said directors shall receive all expenses by them incurred in traveling in the interest of the Fair and a per diem of five (\$5.00) dollars per day when they are actually engaged in work pertaining to the business and affairs of the said Fair.

Secretary. Term of office. Salary.

Expenses and compensation of directors.

Each member of the Board of Directors is hereby required to give bond to the State for the faithful performance of duties devolving upon him in the sum of

Bond of directors.

Bond of secretary.

Approval of bonds. two thousand (\$2000.00) dollars, and the Secretary shall be required to furnish a good and sufficient bond in the sum of ten thousand (\$10,000.00) dollars. Said bonds must be approved by the State Board of Examiners and shall be placed on file in the office of the Secretary of State.

Oath of office. Section 7. Each of said Board of Directors and also the Secretary shall take and subscribe the oath of office prescribed by law for a state officer, and shall cause the same together with a certified copy of the order of appointment to be filed in the office of the Secretary of State.

Advisory board. Section 8. In addition to the Board of Directors, there shall be a State Fair Advisory Board consisting of one representative from each county to be appointed by the Board of County Commissioners, the members of which shall each hold office for a period of four years and until their successors are appointed and qualified.

To consist of whom. Members of said Advisory Board shall qualify by subscribing the usual oath of office prescribed for state officers, and by filing same together with a certified copy of their appointment in the office of the Secretary of State. The duties of the Advisory Board shall be to aid in making the State Fair a success and to see that each county in the state has proper exhibits to demonstrate such county's wealth and resources. Members of said Board shall be paid such compensation as may be prescribed by the Board of Examiners, not exceeding five (\$5.00) dollars per day for the time actually spent in connection with the State Fair work, and actual expenses.

Term of office.

Members to take oath and qualify.

Duty of advisory board.

Compensation of members.

Expenses.

Board of directors to have full management of fair and control of property. Section 9. The Board of Directors shall have full control and management of the Fair as a state institution, and they shall have the care and custody of all property belonging to said institution and be intrusted with the direction of all matters of administration, of its business and affairs, and they shall in conformity with the provisions of this Act prepare, adopt, publish and enforce all necessary rules for the conduct and management of the Fair, its meetings, exhibits, and for the guidance of its officers and employees and they

Shall prepare, adopt, publish and enforce rules.

may remove from office any person by them appointed, for inefficiency, neglect or mal-feasance in office. They shall arrange for the letting of stalls, stands, and all privileges, and prescribe the prices and premiums; provided, however, that as to entrance fees, money derived from the letting of privileges and as to prizes offered, the same must first be approved by the State Board of Examiners. The State Fair shall be permanently located on the present grounds now owned by the State and heretofore devoted to State Fair purposes, located north of the city of Helena, Lewis and Clark County, and said lands and such additional lands as may hereafter be obtained in connection therewith, are hereby dedicated for the use of the Montana State Fair.

May remove employees.

Let stalls, stands, fix prices and premiums.

Proviso.

State fair to be permanently located on present grounds, north of the city of Helena, and additional lands which may be acquired.

Section 10. The Secretary of the State Fair may be elected from the Board of Directors or the Board may appoint any other person by them deemed competent to fill the office and perform all the duties incident thereto. The Secretary shall make a written report to the State Board of Examiners concerning the administration of the business and affairs of said institution immediately following the close of each annual exhibition and at such other times as the State Board of Examiners may require.

Secretary may be elected from board or otherwise.

Annual and other reports of the secretary.

Section 11. The State Examiner is required to annually investigate all of the financial business and affairs of said institution and to direct the methods of book keeping and accounting.

State examiner to annually investigate financial affairs of said institution.

Section 12. Chapter VIII, of Part III, Title V, of the Revised Codes of 1907, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 23, 1911.

CHAPTER 48.

An Act to amend section 4050 of the revised codes of the State of Montana, 1907, relating to the classification of insurance corporations, granting certain powers thereunder, and providing certain restrictions and exceptions in connection therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section
4050, Revised
Codes, 1907.

Section 1. That Section 4050 Revised Codes of the State of Montana, 1907, be amended to read as follows: It shall be unlawful for any corporation organized under this chapter and doing business in this State:

Unlawful for in-
surance companies
organized under
this chapter to
insure, what.

1. To insure houses, buildings, and all other kinds of property against loss or damage by fire or other casualty, and to make all kinds of insurance on goods, merchandise, or other property in the course of transportation, whether on land or water; to insure against loss or damage to motor vehicles resulting from accident, collision or marine and inland navigation and transportation perils; and to insure growing crops against loss or damage resulting from hail or the elements.

Other insurance
by forbidden.

2. To make insurance on the health of persons and against the personal injury, disablement, or death, resulting from traveling or general accident by land or water.

Other insurance
by forbidden.

3. To insure the fidelity of persons holding places of public or private trust, and to furnish surety on official bonds, and for the performance of other obligations; and to receive on deposit and insure the safe keeping of books, papers, moneys, stocks, bonds and all kinds of personal property.

Other insurance
by forbidden.

4. To insure horses, cattle, and other stock against loss or damage by accident, theft, or any unknown or contingent event whatever, which may be the subject of legal insurance; to lend money on bottomry or respondentia, and cause itself to be insured against any loss or risk it may have occurred in the course of its business, and upon the interest which it may have in any property by means of any loan or loans which it may make on mortgages, bottomry or respondentia, and

generally to do all things proper to promote these objects. To insure plate glass against breakage, and steam boilers against explosion, and against loss or damage to life or property resulting therefrom; against loss by burglary or theft, or both; against damage by water caused by the breakage or leakage of sprinklers, pumps, water pipes or plumbing and its fixtures, and accidental injury to such apparatus; and to permit liability insurance in all its branches.

5. To insure titles and credit.

No corporation organized under this chapter, or transacting business in this State, shall expose itself to loss on any one risk or hazard to an amount exceeding ten per cent of its paid up capital, or write on a risk within the corporate limits of any one city an amount representing more than the paid up capital of the corporation, unless the excess shall be insured by the same in some other good and reliable company or companies. The restriction as to the amount of risk any such corporation shall assume, shall not apply to corporations organized to guarantee the fidelity of persons in places of public or private trust, or to corporations that receive on deposit and guarantee the safe keeping of books, money, papers and other property.

Section 2. Nothing in this Act shall be so construed as to alter, change, modify or repeal any existing statute, which provides or establishes the amount of the capital required of any, or all, classes of insurance corporations herein mentioned. Combinations may be permitted of the different classes herein established, under one incorporation, except that fire insurance companies may not transact any other character of business than that designated in paragraph one of the preceding section; and provided further, that where such combinations may be formed the minimum capital shall be equal to the amount provided by law for each of the different classes so combined.

Section 3. Nothing in this Act shall be construed preventing the transaction of health and accident insurance in combination with life insurance; provided, however, that the minimum capital of such corporation shall

Other insurance by forbidden.

Limit of amount in any one risk.

Limit of amount of a risk in any one city, unless re-insured.

Limit not applied to guarantee bonds.

Or to corporations receiving deposits or guarantee.

Act not to amend or repeal any statute prescribing required amount of capital.

Combination of classes of business.

Limit of class of business fire insurance companies may transact.

Health and accident insurance business may be combined with life insurance.

Amount of capital required.

equal the amount required of both classifications.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage.

Approved Feby. 25, 1911.

CHAPTER 49.

"An Act Providing For The Establishment Of A Tax Levy On Live Stock For The Purpose Of Paying Bounties On Wild Animals, And For Stock Inspection, Protection, And Indemnity Purposes, And Providing A Method Thereof."

Be it enacted by the Legislative Assembly of the State of Montana :

Bounty tax authorized.

Section 1. A tax levy is hereby authorized on all livestock in this state for the purposes of paying bounties for the killing of wild animals injurious to the stock industry in this state, and for the purpose of Stock Inspection, Stock Protection, and Stock indemnity, as may be provided by law.

State board of equalization to levy bounty tax annually.

Section 2. The State Board of Equalization is hereby empowered and it is made its duty annually to prescribe the levy to be made against live stock of all classes for the purposes above indicated.

Levy not to exceed one half mill per annum for stock inspection and indemnity.

Section 3. The levy authorized to be made for Stock Indemnity, Inspection and Protective purposes shall not exceed one half a mill on the dollar upon the assessed valuation of all livestock, and the money so levied and collected shall be annually transmitted with other taxes for state purposes to the State Treasurer by the County Treasurer of each County, and shall be by the State Treasurer apportioned between the Stock Inspection and Detective Fund, and the Sheep Inspection and Indemnity Fund in proportion to the amount of taxes paid upon sheep as compared to other livestock. In other words the revenue derived from taxes on sheep shall be by the Treasurer placed to the credit of the sheep Inspection and Indemnity Fund, and taxes paid upon other livestock shall be by the Treasurer credited to the Stock Inspection and Detective Fund.

On livestock.

Money collected to be transmitted to state treasurer.

To be apportioned how.

To sheep inspection and indemnity fund.

Stock inspection and detective fund.

Section 4. The levy authorized to be made for the

bounty fund shall not exceed three and a half mills on the dollar upon the assessed valuation of all livestock, and the money so levied and collected shall be transmitted annually with other taxes for state purposes to the State Treasury by the County Treasurer of each County, and shall be by the State Treasurer placed to the credit of the Bounty Fund, and such money shall thereafter be paid out only on claims duly and regularly presented to the State Board of Examiners in accordance with the law for the payment of bounties for the killing of wild animals.

Levy for the bounty fund not to exceed three and a half mills on assessed valuation of live stock.

Money collected, how transmitted to treasurer.

Placed to credit of bounty fund.

How paid out.

Section 5. The funds derived by the levy herein provided for bounty purposes shall be used and applied only in payment of claims for bounties for the killing of wild animals after the passage and approval of this Act, and such funds shall not be used to pay any bounty claims now outstanding against the state.

To be applied in payment of what bounties.

Section 6. All claims for bounties made against the state hereafter, if passed, allowed and not paid within a period of thirty days after presentation, shall be registered in the office of the State Board of Examiners in a book to be provided for such purpose, and thereafter shall bear interest at the rate of four (4%) per cent. per annum until paid.

Registration of bounty claims allowed but not paid within thirty days.

Interest on unpaid claims.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 25, 1911.

CHAPTER 50.

"An Act to Amend Section 1904 of the Revised Codes of 1907 Relative to Bounties for the killing of certain wild animals.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1904 of the Revised Codes of 1907 be and the same is hereby amended so as to read as follows:

Amending Section 1904, Revised Codes, 1907.

"Section 1904. That there shall be paid from the bounty funds of the State for the killing of wild animals inimical to the stock industry the following bounties:

Bounty on certain wild animals.

For each grown wolf \$15.00; for each coyote \$3.00; for each wolf pup \$3.00; for each coyote pup \$3.00; for each mountain lion \$10.00."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 25, 1911.

CHAPTER 51.

"An Act To Amend Section 1029 Of The Laws Of Montana Of 1909, Relating To Pioneer Day."

Be it enacted by the Legislative Assembly of the State of Montana:

Laws of 1909,
Section 1029.

Section 1. That Section 1029 of the Laws of Montana of 1909, be, and the same is, hereby amended so as to read as follows;

Pioneer day.
Superintendent of
public instruction:
duty regarding.

Section 1029: That the Superintendent of Public Instruction shall have power and it shall be his duty to prescribe from year to year a suitable course of exercises to be observed in the public schools of the State on Pioneer Day.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 25, 1911.

CHAPTER 52.

"An Act To Amend Section 5092 Of The Revised Codes Of Montana, Relating To Conditional Sale And The Filing Of Contract Notes."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section
5092, Revised
Codes of Montana.

Section 1. That Section 5092 of the Revised Codes of Montana be amended so as to read as follows:

Notes and instru-
ments on condi-
tional sales of per-
sonal property.

Section 5092. (Filing contracts). All contracts, notes and instruments for the transfer or sale of personal property, where the title is stipulated to remain in the vendor until the payment of the purchase price or some part thereof, shall be in writing, and the original or true copy thereof, certified by the County Clerk and Recorder, shall be filed with the County Clerk and the Re-

To be recorded.

corder of the county wherein the property is situated; otherwise, any such contract, note or instrument is void as to bona fide purchasers, mortgagees, or attaching creditors of such property prior to such filing.” Void as to whom.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 25, 1911.

CHAPTER 53.

“An Act To Prevent Drinking Of Intoxicating Liquors Upon Passenger Trains, Extending Police Power To Conductors And Prescribing Penalties.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person who shall drink any intoxicating liquors publicly as a beverage upon any train carrying passengers, except in the Buffet, Sleeping or Dining Cars, or who shall be intoxicated upon any such trains operated upon any railroad in the State of Montana, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment. Drinking intoxicants or being drunk on passenger train.

A misdemeanor.

Penalty.

Section 2. Police power is conferred hereby upon every conductor of a railroad company engaged in operating trains upon lines of railway in Montana, and it shall be the duty of every conductor while upon duty upon any train or car used for the conveyance of passengers, to arrest every person who shall in his presence, or to his knowledge, violate the provisions of Section One of this Act, and to deliver him or them to a policeman, constable, sheriff or other peace officer at any station where such officer may be found, and it shall be the duty of such officer to make complaint against said person or persons, and a complaint made on information and belief of said officer shall be sufficient. Conductor to possess police power.

Duty of conductor to make arrests, when.

To deliver prisoner to peace officer where and when.

Duty of officer to make complaint.

Section 3. That any justice of the peace in any county through which said train shall pass, or on any Jurisdiction of justice of the peace.

division of such railroad, shall have jurisdiction of said offense.

Extracts of this act to be posted in passenger cars.

Section 4. It shall be the duty of every Railway Company, operating in this state, to post conspicuously in each passenger car such extracts from this Act as shall in the judgment of the Board of Railway Commissioners be necessary to advise the public of the existence of this Act.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect sixty (60) days from and after its passage and approval.

Approved Feby. 25, 1911.

CHAPTER 54.

An Act changing and defining the boundaries of Sanders County, and changing the boundaries of Missoula County to conform thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Sanders county: boundaries changed and defined.

Section 1. That the boundaries of Sanders County be and the same are hereby changed and defined as follows:

Beginning at a point in the center of the main channel of the Flathead or Pend d'Orielle River, where said river intersects the boundary line of the counties of Missoula and Flathead; running thence southerly along the center of the main channel of the said Flathead or Pend d'Oreille river to its intersection with the south boundaryline of township nineteen North of Range Twenty One West, said point being approximately two miles east of the South West corner of said Township, thence east on the line between Townships Eighteen and Nineteen North to the point where said line intersects the line between Ranges Twenty and Twenty-one West, thence South on said line between Ranges Twenty and Twenty-one West, to the summit of the Range of mountains commonly called the Coeur d'Alene, said mountains dividing the waters of the Missoula and Pend d'Oreille or Flathead rivers; thence westerly along said summit of the Coeur d'Alene Mountains, to a point where said summit intersects the summit of the

watershed dividing the waters of the Missoula and Clark's Fork Rivers, thence westerly along said summit dividing the waters of the Missoula and Clark's Fork Rivers to the point where said summit intersects the Horse Plains Guide Meridian, thence due north along said Horse Plains Guide Meridian to the Northeast corner of Section Twenty-five in Township Eighteen, North of Range Twenty-six West, thence due West three miles to the Southwest corner of Section Twenty-two, in said Township and Range, thence due north one mile to the Northeast corner of Section Twenty-one in said Township and Range, thence due west to the line between Ranges Twenty-six and Twenty-seven West, thence North on the line between Ranges Twenty-six and Twenty-seven West, to the summit of the Coeur d'Alene Mountains; thence westerly along the summit of said Coeur d'Alene mountains to the Boundary line between the State of Montana and the State of Idaho, and northerly along said boundary line to the south boundary of Lincoln and Flathead County, State of Montana; thence easterly along the boundary line of Flathead County to the place of beginning.

Section 2. That the boundaries of Missoula County be and the same are hereby changed to conform to the boundaries of Sanders County as defined by this Act.

Missoula county:
boundaries of
changed to con-
form with bound-
aries of Sanders
county.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage.

Approved Feby. 25, 1911.

CHAPTER 55.

An Act to amend Section 3245 Revised Codes of 1907, relating to salary of Chief of Police.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3245 of the Revised Codes of Montana of 1907 be, and the same is, hereby amended to read as follows:

Amending Section
3245, Revised
Codes, 1907.

"Section 3245. The annual salary and compensation of the Chief of Police must be fixed by ordinance and must not exceed in Cities of the second class, one hundred and fifty (\$150.00) Dollars per month; and in

Salary of chief of
police.

How fixed.

Limit.

Cities of the third class not to exceed one hundred and twenty-five (\$125.00) Dollars per month."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force from and after its passage and approval.

Approved Feby. 25, 1917

CHAPTER 56.

"An Act defining and relating to wage-brokers; regulating assignment of wages and salaries as security for loans; and fixing a maximum rate of interest for loans upon wages and salaries, and providing penalties for violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Wage brokers.

Must procure license.

Bonds by.

License may be granted by county commissioners when.

By city council when.

Amount to be paid.

Wage broker defined.

Section 1. From and after the passage of this Act, no person, company, corporation, or association, shall establish or conduct the business of wage broker within the State of Montana, unless such person, company, corporation or association, shall have first procured a license from the proper authorities as hereinafter provided, and shall have executed a bond in such sum as said authorities may require for the faithful carrying out of the provisions of this Act, and of the ordinances of any town or city in which such business may be carried on.

Section 2. The board of county commissioners of any county in this State, or, in case said business be carried on in any incorporated city or town, the city council or board of trustees of said city or town, may in their discretion from time to time, grant license to any person or persons, company, corporation, or association to conduct or carry on the business of wage broker upon payment of such sum thereof and upon such terms and conditions as the said board of County Commissioners or City Council or Board of Trustees shall by resolution or ordinance require.

Section 3. Any person, company, corporation, or association parting with, giving or loaning money, either directly or indirectly to any employee, or wage earner, upon the security of, or in consideration of any assign-

ment or transfer of wages or salary of such employee, or wage earner, shall be deemed to be a wage broker within the meaning of this Act.

Section 4. No assignment of his or her wages or salary by any employee or wage earner to any wage broker for his or her benefit shall be valid or enforceable, nor shall any employer or debtor recognize or honor such assignment for any purpose whatever, unless it be for a fixed and definite part or all, of the wages or salary theretofore earned.

Assignment of wages or salary: portion to be fixed and defined.

Section 5. No wage broker shall ask, demand or receive, either as compensation or interest, or in any other manner, directly or indirectly, any compensation or interest for the use of money advanced or loaned by him to any employee or wage earner in excess of twelve per cent per annum, and said compensation or rate of interest shall be computed upon the amount actually advanced to, and received by, the employee or wage earner and shall include all commissions or compensation whatsoever to the wage broker or any other person for making or procuring said loan.

Limit of interest which may be charged by wage broker.

Section 6. No assignments of his wages or salary to a wage broker by a married man, who shall have a wife, residing in this state shall be valid or enforceable without the consent of his wife evidenced by her signature to said assignment executed and acknowledged before a Notary Public or other officer empowered to take acknowledgments, and no wage broker or person connected with him directly or indirectly shall be authorized to take any such acknowledgments.

Interest to be computed upon what amount.

Wife of married man must join in assignment and acknowledge same.

Acknowledgment not to be taken by any wage broker or agent.

Section 7. No assignment of wages or salary to a wage broker shall be valid or enforceable unless notice in writing of the same accompanied by a copy of the assignment shall be given to the employer within one day from the date of its execution; And all assignments shall be filed in the office of the County Clerk of the County where the assignor resides, and no assignment shall be valid unless so filed.

Notice and copy of assignment to be given employer within one day.

Filed in office of county clerk.

Section 8. Every purchase by a wage broker of an assignment of the wages or salary of any employee or wage earner, shall be held and considered a loan, in the sum of the amount, actually paid to and received by

Assignment to be held and considered a loan.

such employee or wage earner, and shall be subject to all the provisions of this act.

Any violation of this act a misdemeanor.

Penalties.

When evidence of the indebtedness shall be void.

Repealing clause.

Section 9. Any person, company, corporation or association and any officer, member, agent or employee thereof violating any or either of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be liable to a fine in the sum of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense, or to imprisonment in the County Jail for a period of not to exceed ninety days, or both.

Section 10. Any note, bill or other evidence of indebtedness and any assignment of wages or salary given to or received by any wage broker in violation of any of the provisions of this Act shall be void, as against the creditors of the assignor or transferor.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby. 27, 1911.

CHAPTER 57.

"An Act providing for a commission form of government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation."

Be it enacted by the Legislative Assembly of the State of Montana:

Any city may organize under the commission form of government.

Section 1. Any city may abandon its organization and reorganize under the provisions of this Act, by proceeding as hereinafter provided.

Question may be submitted on petition to city council.

Section 2. Upon a petition being filed with the city council, signed by not less than 25 per cent of the qualified electors of such city registered for the last preceding general city election, praying that the question of reorganization under this Act be submitted to the qualified electors of such city, said city council shall thereupon and within thirty days thereafter, order a special election to be held, at which election the question of reorganization of such city, under the provisions of this

Special election.

Act, shall be submitted to the qualified electors of such city.

Such order of the city council shall specify therein the time when such election shall be held, which must be within sixty days from the date of the filing of such petition.

Order of election.

Section 3. Upon the city council ordering such special election to be held, the mayor of such city shall issue a proclamation setting forth the purpose for which such special election is called, and the date of holding such special election, which proclamation shall be published for ten consecutive days in each daily newspaper published in said city, if there be such, otherwise once a week for two consecutive weeks in each weekly newspaper published therein, and such proclamation shall also be posted in at least five public places within such city.

Proclamation of election.

Publication of proclamation.

Section 4. At such election the ballots to be used shall be printed upon plain, white paper, and shall be headed "Special election for the purpose of submitting to the qualified electors of the city of..... the question of reorganization of the city of..... under chapter (name of chapter containing this act) of the Acts of the Twelfth Legislative Assembly," and shall be substantially in the following form:

Ballots.

Heading.

For reorganization of the city of under chapter (name of chapter containing this Act) of the Acts of the Twelfth Legislative Assembly.

Form of questions.

Against reorganization of the city of under chapter (name of chapter containing this Act) of the Acts of the Twelfth Legislative Assembly.

Such election shall be conducted and vote canvassed and result declared in the same manner as provided by law in respect to other city elections.

Section 5. If such proposition is adopted, the mayor shall transmit to the governor, to the secretary of state and to the county clerk and recorder, each a certificate stating that such proposition was adopted.

Duty of mayor if proposition carries.

If such proposition shall not be adopted at such special election, such proposition shall not again be submitted to the electors of such city within a period of two (2) years thereafter.

Can not be again submitted for two years.

Special election of mayor and councilmen to be called when.

Section 6. If a majority of the votes cast at such election shall be in favor of such proposition, the city council must, at its first regular meeting held thereafter, order a special election to be held for the purpose of electing a mayor and the number of councilmen to which such city shall be entitled, which order shall specify the time of holding such election which must be within sixty days after the making of said order, and the mayor shall thereupon issue a proclamation setting forth the purposes for which such special election is called and the day of holding the same, which proclamation shall be published for ten successive days in each daily newspaper published in such city, if there be such, otherwise once a week for two consecutive weeks in each weekly newspaper published therein, and a copy thereof shall also be posted at each voting place within said city, and also in at least ten of the most public places in said city.

Proclamation for special election.

Manner of holding special election, canvassing votes, etc.

Section 7. Such election shall be conducted, the vote canvassed and result declared in the same manner as provided by law in respect to other city elections.

What laws shall govern cities.

Section 8. All laws governing cities of the first, second and third classes and not inconsistent with the provisions of this Act, shall apply to and govern cities organized under this Act. All by-laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization shall remain in force until altered or repealed by the council elected under the provisions of this Act. The territorial limits of such city shall remain the same as under the former organization and all rights and property of every description which were vested in any such city under its former organization shall vest in the same under the organization herein contemplated, and no right or liability either in favor of or against it, existing at the time, and no suit or prosecution of any kind shall be affected by such change, unless otherwise provided for in this Act.

By-laws, ordinances and resolutions to remain in force how long.

Territorial limits and property of city.

Rights and liabilities and pending actions.

Number of councilmen in cities.

Section 9. In every city of the third class, there shall be a mayor and two councilmen; in every city of the second class, a mayor and two councilmen; in every

city of the first class having a population of less than 25,000, a mayor and two councilmen, and in every city of the first class having a population of 25,000 or more, a mayor and four councilmen, and the mayor and all councilmen shall be elected at large.

If any vacancy shall occur in the office of mayor or councilman, the remaining members of the council shall by majority vote, elect a person to fill such vacancy until the next general city election, and if, in filling such vacancy, a tie vote should occur, then the person to fill said vacancy shall be determined by lot in such manner as said council may provide.

Vacancy in office of mayor or councilmen, how filled.

When by lot.

Section 10. The mayor and councilmen elected at such special election shall qualify and their terms of office shall begin on the first Monday after their election, and the terms of office of the mayor and councilmen or aldermen in such city in office at the beginning of the term of office of the councilmen first elected under the provisions of this Act shall then cease and determine, and the terms of office of all their appointed officers in force in such city, except as hereinafter provided, shall cease and determine as soon as the council shall by resolution declare.

Term of office, shall begin when. Expiration of term of old officers.

Section 11. The terms of office of the mayor and all councilmen elected at such special election, shall expire on the first Monday in May of the year following their election. At the first regular city election held in the year in which the terms of office of the mayor and councilmen elected at such special election shall expire, a mayor and two councilmen shall be elected in cities having a population of less than 25,000. The mayor elected at such first general city election shall hold office for two years; one of the councilmen elected at such first general city election shall hold office for one year, and the other of such councilmen elected at such first general city election; shall hold office for two years, beginning with the first Monday in May of that year; a mayor and four councilmen shall be elected in cities having a population of 25,000 or more; and the mayor elected at such first general city election shall hold office for two years. Two of the councilmen elected at such first general city election shall hold office

Expiration of term of first set of officers.

Term of mayor elected at first regular election. Of councilmen.

Term of officers in cities of 25,000 or more.

upon the official primary ballot for nomination by such primary election for such office.

Signed

Subscribed and sworn to (or affirmed) before me by
.....on this.....day of
....., 19

Signed

and shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to qualifications and residence, with street number, of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

Petition to be filed.

Petition Accompanying Nominating Statement.

Form of petition.

The undersigned, duly qualified elected electors of the city of, and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office) at the primary election to be held in such city on the Monday of.....19... We further state that we know him to be a qualified elector of said city and a man of good moral character, and qualified, in our judgment, for the duties of such office.

Names of Qualifying Electors. Number. Street.

.....
.....

Each signer of a nomination paper shall sign but one such nomination paper for the same office, except where more than one officer is to be elected to the same office, in which case he may sign as many nomination papers as there are officers to be elected, and only one candidate shall be petitioned for or nominated in the same nomination paper.

Number of petitions an elector may sign.

Immediately upon the expiration of the time of filing the statements and petitions for candidates, the said city clerk shall cause to be published for three consecutive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballots, and if there be no daily newspaper, then in two issues of any other newspapers that may be published in said city;

City clerk shall publish names of candidates appearing on ballot.

Primary ballots to
be printed, how
and by whom.

Form and arrange-
ment of ballots at
primary elections.

No party design-
ation or mark.

Number of ballots
to be delivered at
polling places.

Qualifications of
electors.

Challenge of elec-
tors.

and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a fac-simile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for councilmen, with a square at the left of each name, and below the names of such candidates shall appear the words, "Vote for (giving the number of persons to be voted for.)" The ballots shall be printed upon plain, substantial, white paper, and shall be headed:

Candidates For Nomination For Mayor And Councilmen of the City of.....at the

Primary Election.

but shall have no party designation or mark, whatever. The ballots shall be in substantially the following form: (Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

Official Primary Ballot.

Candidates for Nomination for Mayor and Councilmen, of the city of.....at the

Primary Election.

For Mayor.

(Name of Candidate).

(Vote for one).

For councilman.

(Name of Candidate).

(Vote for.....(Giving number to be voted for).

Official ballot attest:

(Signature)

City Clerk.

Having caused said ballots to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of such voters registered in such polling place at the last general municipal election. The persons who are qualified to vote at the general election shall be qualified to vote at such primary election, and any person offering to vote may be orally challenged by any elector of the city upon any or all of the grounds set

forth and specified in Section 562 of the Revised Codes of Montana of 1907, and the provisions of Sections 563, 564, 565, 566, 567, 568, 569 and 570 of the Revised Codes of Montana of 1907, shall apply to all challenges made at such election. Judges of election shall immediately upon the closing of the polls count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, for mayor and councilman, and make return thereof to the city clerk upon the proper blanks to be furnished by the city clerk within six hours of the closing of the polls. On the day following the primary election the city clerk shall canvass said returns so received from all the polling precincts and shall make and publish in all the newspapers in said city, at least once, the result thereof. Said canvass by the city clerk shall be publicly made. If a mayor is to be elected at such municipal election, the two persons receiving the highest number of votes shall be the candidates for mayor. If one councilman is to be elected at such municipal election, the two persons receiving the highest number of votes shall be the candidates for councilmen. If two councilmen are to be elected at such general municipal election, the four persons receiving the highest number of votes shall be the candidates for councilmen, and if three councilmen are to be elected at such municipal election, the six persons receiving the highest number of votes shall be the candidates for councilmen and if four councilmen are to be elected at such general municipal election, the eight persons receiving the highest number of votes shall be candidates for councilmen at such general election, and these shall be the only candidates for mayor and councilmen at such general election.

All electors of cities under this Act, who, by ordinances governing cities incorporated under the general municipal incorporation law, or by charter, would be entitled to vote for the election of officers at any general municipal election in such cities, shall be qualified to vote at all elections under this Act; and the ballots to be used at such general municipal election shall be in the same general form as for such pri-

Canvassing the ballots.

Returns, when and to whom made.

Clerk to canvass returns and publish results.

Canvass to be public.

Nominees for mayor.

Nominees for councilmen, number.

Qualification of electors at municipal elections.

Form of ballots at
general election.

mary elections so far as applicable, and in all elections in such cities the election precincts, voting places, method of conducting the elections, canvassing of votes and announcing the results shall be the same as by law provided for the election of officers in such cities so far as the same are applicable and not inconsistent with the provisions of this Act.

Oath and bond of
officers elected.

Every person who has been declared elected mayor or councilman, shall within ten (10) days thereafter take and file with the city clerk his oath of office in the form and manner provided by law, and shall execute and give sufficient bond to the municipal corporation in the sum of Ten Thousand (\$10,000.00) Dollars, conditioned for the faithful performance of the duties of his office, which bond shall be approved by the judge of the district court of the county in which such city is situated and filed with the clerk and Recorder of the County in which such City is situated.

Working for a
candidate for a
consideration for-
bidden.

Section 13. Any person who shall agree to perform any services in the interest of any candidate for any office provided in this Act, in consideration of any money or other valuable thing for such services performed in the interest of any candidate shall be punished by a fine not exceeding Three Hundred (\$300.00) Dollars or be imprisoned in the county jail not exceeding thirty days.

Penalty.

Offering bribes at
election.

Section 14. Any person offering to give a bribe, either in money or other consideration, to any elector, for the purpose of influencing his vote at any election provided in this Act, or any elector entitled to vote at any such election receiving and accepting such bribe or other consideration; any person who agrees, by promise or written statement, that he will do, or will not do, any particular act or acts, for the purpose of influencing the vote of any elector or electors at any election provided in this Act; any person making false answer to any of the provisions of this Act relative to his qualifications to vote at such election; any person wilfully voting or offering to vote at such election who has not been a resident of this state for one year next preceding said election, or who is not 21 years of

Accepting bribes.

False answers to
questions con-
cerning qualifica-
tions of elector.

Disqualified per-
sons voting.

age, or is not a citizen of the United States, or knowing himself not to be a qualified elector of such precinct where he offers to vote; any person knowingly procuring, aiding or abetting any violation hereof shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined a sum of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars; and be imprisoned in the county jail not less than ten nor more than ninety days.

Aiding or abetting violations of act.

A misdemeanor.

Penalty.

Section 15. Every City shall be governed by a Mayor and Councilmen, as provided in Section 9 of this Act, each of whom shall have the right to vote on all questions coming before the Council.

Cities to be governed by whom.

Mayor and councilmen may vote, when.

Section 16. In cities having a mayor and two councilmen, the mayor and one councilman or two councilmen shall constitute a quorum; and the affirmative vote of the mayor and one councilman or the affirmative vote of two councilmen shall be necessary to adopt or reject any motion, resolution or ordinances, or pass any measure unless a greater number is provided for in this Act.

Quorum when there are two councilmen.

Number necessary to pass any measure.

In cities having a mayor and four councilmen, the mayor and two councilmen, or three councilmen, shall constitute a quorum, and the affirmative vote of the mayor and two councilmen or the affirmative vote of three councilmen, shall be necessary to adopt or reject any motion, resolution, or ordinances, or pass any measure unless a greater number is provided for in this act.

Quorum when there are more than two councilmen.

Upon every vote the ayes and nays shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon.

Aye and nay vote to be called and recorded.

Motions, resolutions and ordinances to be in writing.

Section 17. The mayor shall preside at all meetings of the council; he shall have the same power to vote as other members of the council; he shall have no power to veto any measure, but every resolution or ordinance passed by the council must be signed by the mayor, or by two councilmen, and must be recorded before the same shall be in force.

Mayor, right to vote.

No veto power.

How resolutions and ordinances shall be signed.

Section 18. The council shall have and possess and

Powers of council.	the council and its members shall exercise all executive, legislative, and judicial powers and duties now had, possessed and exercised by the mayor, city council, board of public works, park commissioners, board of police and fire commissioners, board of water-works trustees, board of library trustees, attorney, assessor, treasurer, auditor, city engineer and other executive and administrative offices in cities organized under the general municipal incorporation laws.
Departments of government.	The executive and administrative powers, authority and duties in such cities shall be distributed into and among departments as follows:
Where there is a mayor and two councilmen.	In cities having a mayor and two councilmen, into three departments: First. A department of accounts, finance and public property. Second. A department of public safety and charity. Third. A department of streets, public improvements and parks.
Where there is a mayor and four councilmen.	In cities having a mayor and four councilmen, into five departments: First. A department of public affairs. Second. A department of accounts and finance. Third. A department of public safety and charity. Fourth. A department of street and public improvements. Fifth. A department of parks, and public property.
Duties of the council.	The council shall determine the powers and duties to be performed by each department of the city; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments; and may make such rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.
Officers and employees.	
Rules and regulations.	
Mayor shall be superintendent over what departments.	Section 19. In cities having a mayor and two councilmen, the mayor shall be superintendent of the department of accounts, finance and public property, and in cities having a mayor and four aldermen, the mayor shall be superintendent over the department of public affairs, and the mayor shall have general supervision
General supervision.	

over all departments of the city and over all matters connected with said city, and the council shall, at its first regular meeting after the election of its members, designate by majority vote, one councilman to be superintendent over each department of the city, but such designation may be changed whenever it appears that the public service would be benefited thereby.

Councilmen to
superintend each
department to be
designated.

The council shall at its first regular meeting after the election of its members, or as soon thereafter as practicable, elect by majority vote the following officers: A city clerk, a city treasurer, a city attorney, a city auditor, a city engineer, a city physician, a chief of the fire department, a chief of the police department, a commissioner of weights and measures, a street commissioner, library trustees, cemetery trustees, and such other officers and assistants as shall be provided for by ordinance, and which may be necessary to the proper and efficient conduct of the affairs of the city; provided, however, that the council may, by ordinance, consolidate any of the offices the election to which is made by the council, and may require any officer elected by the council to perform the duties of any other officer; and shall appoint a police judge with the authority now conferred by existing laws. Any officer or assistant, elected or appointed by the council, may be removed from office at any time by a majority vote of the members of the council, except as otherwise provided in this Act.

Officers, when and
by whom elected.

Council may con-
solidate what
offices.

Police judge, how
appointed.

Removal of
officers.

Section 20. The council shall have power from time to time to create, fill and discontinue offices and employment other than herein prescribed, according to their judgment of the needs of the city, and by majority vote of all the members, remove any such officer or employee except as otherwise provided for in this Act; and may, by resolution or otherwise, prescribe, limit, or change the compensation of such officers or employees.

Other offices may
be created and
discontinued by
council.

Fixing compensa-
tion of officers and
employees.

Section 21. The council shall have their office at the city hall, and their total compensation shall be as follows: In cities of the third class, having a population of less than 3,000, the annual salary of the mayor shall be \$600.00, and the annual salary of each

Office of council.
Compensation of
councilmen and
mayor.

councilman shall be \$500.00; in cities of the third class having a population of 3,000 or more, the annual salary of the mayor shall be \$1,000.00, and the annual salary of each councilman shall be \$900.00; in cities of the second class, the annual salary of the mayor shall be \$1650.00, and the annual salary of each councilman shall be \$1500.00; in cities of the first class having a population of less than 30,000, the annual salary of the mayor shall be \$3,000.00, and the annual salary of each councilman shall be \$2500.00; in cities of the first class, having a population of 30,000 and less than 50,000, the annual salary of the mayor shall be \$4,000.00, and the annual salary of each councilman shall be \$3,000.00; and in cities of the first class, having a population of 50,000 or more, the annual salary of the mayor shall be \$4500.00, and the annual salary of each councilman shall be \$3500.00.

When salaries of mayor and councilmen shall increase.

Any increase in salary occasioned by the advance in class or increase in population of any city, shall commence with the month next after the official publication of the census showing such advance in class or increase in population.

Salaries and compensation of other officers and employes.

Every other officer or assistant shall receive such salary or compensation as the council shall by ordinance from time to time provide, payable in equal monthly installments.

The salary or compensation of all other employees of such city shall be fixed by the council and shall be payable monthly, or at such shorter periods as the council shall determine.

Regular meetings of council.

Section 22. Regular meetings of the council shall be held on the first Monday after the election of councilmen, and thereafter at least once each month. The council shall provide by ordinance for the time for holding regular meetings, and special meetings may be called from time to time by the mayor or two councilmen. All meetings of the council, whether regular or special, at which any person not a city officer is admitted, shall be open to the public.

Special meetings.

Meetings to be public.

The mayor shall be president of the council and shall preside at its meetings and shall supervise all depart-

ments of the city and report and recommend to the council for its action, all matters requiring attention in any department. The council shall, at its first regular meeting, select one of its members for vice-president of the council and in case of a vacancy in the office of mayor, or the absence, or inability of the mayor, he shall perform the duties of the mayor.

The mayor shall be president of and preside at meetings of the council.

Vice-president, selection, duties and powers.

Section 23. Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or making or authorizing the making of any contract, or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed, and remain on file with the city clerk for public inspection at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or public places in any such city shall be granted, renewed or extended, except by ordinance, and every franchise or grant for interurban or street railways, gas, or water works, electric light, or power plant, heating plant, telegraph or telephone systems, or other public service utilities, or renewal or extension of any such franchise or grant within such city, must be authorized or approved by a majority of the electors voting thereon at a general or special election, as provided in Sections 3291, 3292, and 3293, Revised Codes of Montana, 1907.

Certain ordinances and orders to be complete in form.

On file before passage for public inspection.

Franchises, how granted and extended.

What franchises must be granted by vote of the people.

Section 24. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or materials, supplies or services to be furnished or performed for the city; and no such officer or employee shall be interested directly or indirectly, in any contract or job for work or materials or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange or other public utility within the territorial limits of said city. No such officer or employee shall accept or re-

Officers and employees not to be interested in what.

Officers and employees shall not receive passes from certain corporations and persons.

A misdemeanor.
Contracts void.

ceive directly or indirectly from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket, or free service, or accept or receive, directly or indirectly from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract and agreement shall be void.

What officers may
accept free transportation and services.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to the city officials heretofore provided by any franchise or ordinance be effected by this section. Any officer or employee of such city who, by solicitation or otherwise, shall exert his influence directly or indirectly, to influence other officers or employees of such city to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding Three Hundred Dollars or by imprisonment in the county jail not exceeding thirty days.

Electioneering by
officers and employees prohibited.

Contributing money
or other valuable thing.

A misdemeanor.
Punishment.

Civil service commissioners, appointment and term of office.

Section 25. Immediately after organizing, the council shall, by ordinance, appoint three civil service commissioners, who shall hold office, one until the first Monday in April in the second year, one until the first Monday in April of the fourth year, and one until the first Monday in April of the sixth year after his appointment. Each succeeding council shall, as soon as practicable after organizing, appoint one commissioner for six years, who shall take the place of a commissioner whose term of office expires. The Chairman of the Commission for each biennial period shall be the member whose term first expires. No person while on the said commission shall hold or be a candidate for

Chairman of civil
service commission.

Shall not be candidate for office or public trust.

any office of public trust. Two of said members shall constitute a quorum to transact business. The commissioners must be citizens of Montana and residents of the city for more than three years next preceding their appointment.

The council may remove any of said commissioners during their term of office for cause, a majority of councilmen voting in favor of such removal, and shall fill any vacancy that shall occur in said commission for the unexpired term. The city council shall provide suitable rooms in which the said civil service commission shall hold its meetings; they shall have a clerk, who shall keep a record of all its meetings, such city to supply the said commission with all necessary equipment to properly attend to such business.

(A) Before entering upon the duties of their office, each of said commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the constitution of the United States and of the State of Montana, and to obey the laws, and to aid to secure and maintain an honest and efficient force, free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

(B) Said commission shall, on the first Monday of April and October of each year, or oftener if it shall be deemed necessary, under such rules and regulations as may be prescribed by the council, hold examinations for the purpose of determining the qualifications of applicants for positions, which examination shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the position to which they seek to be appointed. Such commission shall, as soon as possible after such examination, certify to the council double the number of persons necessary to fill vacancies, who, according to the records, have the highest standing for the position they seek to fill as a result of such examination, and all vacancies which occur that come under the civil service, prior to the date of the next regular examination, shall be filled from said list so certified; provided, however, that

Quorum.

Qualifications.

Removal of commissioners.

Vacancies.

Meeting place.

Clerk and his duties.

Oath of office of civil service commissioners.

Examination of applicants for office, when held.

Character of examinations.

Commissioners shall certify to council what number of persons.

Vacancies to be filled from certified list.

Proviso.

should the list for any cause be reduced to less than three for any division, then the council or the head of the proper department may temporarily fill a vacancy but not to exceed thirty days.

Removals in civil service, for cause.

(C) All persons subject to such civil service examination shall be subject to removal from office or employment by the council for misconduct or failure to perform their duties under such rules and regulations as it may adopt, and the chief of police, chief of the fire department or any superintendent, or foremen in charge, of municipal work may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty or disobedience of his orders, but shall, within twenty-four hours thereafter, report such suspension or discharge, and the reason, therefor, to the superintendent of his department who shall thereupon affirm or revoke such discharge or suspension, according to the facts. Such employee (or the officer discharging or suspending him) may, within five days of such ruling, appeal therefrom to the council, which shall fully hear and determine the matter.

Who may suspend or discharge subordinates.

Must report suspension or discharge when and to whom.

Appeals by discharged employees to council.

Council's power to enforce the production of evidence.

(D) The council shall have the power to enforce the attendance of witnesses, the production of books and papers, and power to administer oaths in the same manner and with like effect, and under the same penalties, as in the case of magistrates exercising criminal or civil jurisdiction under the statutes of Montana.

Annual and other reports of civil service commission.

Said commissioners shall make an annual report to the council, and it may require a special report from said commissioner, at any time; and said council may prescribe such rules and regulations for the proper conduct of the business of the said commission as shall be found expedient and advisable, including restrictions on appointment, promotions, removals for cause, roster of employees, certificates of records to the auditors, and restrictions on payment to persons improperly employed.

Rules and regulations of commission.

Penal ordinances relating to civil service commission.

(E) The council of such city shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this Act relating to the civil service commission.

(F) The provisions of this section shall apply to all appointive officers and employees of such city, except those especially named in Section 19 of this Act, commissioners of any kind, laborers whose occupation requires no special skill not fitness, election officials, and mayor's secretary and assistant attorney, where such officers are appointed.

Provisions of section to apply to whom.

All officers and employees in any said city shall be elected or appointed with reference to their qualifications and fitness, and for the good of the public service, and without reference to their political faith or party affiliations.

Elections and appointments to be made with reference to what, only.

It shall be unlawful for any candidate for office in any such city, directly or indirectly, to give or promise any person or persons, any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person or persons.

Bribery in election or appointments.

Every elective officer in any such city shall, within thirty days after qualifying file with the city clerk, and publish at least once in the daily newspaper of general circulation, or weekly, if there be no daily newspaper published, his sworn statement of all his election and campaign expenses, and by whom such funds were contributed.

Election officers to publish sworn statement of campaign expenses.

Any violation of the provisions of this section shall be a misdemeanor and give ground for the removal from office.

Misdemeanor and removal.

Section 26. The council shall each month print in pamphlet form a detailed itemized statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the state library, the city library, the daily newspapers of the city, and to the persons who shall apply therefor at the office of the city clerk. At the end of each year the council shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditure.

Council shall publish monthly detailed financial statements and statement of proceedings.

Copies to be furnished the state library, city library and to others named.

Monthly examination of all books and accounts.

Section 27. If, at the beginning of the term of office

When council may revise, repeal or change appropriations made by old city council.

of the first council elected in such city under the provisions of this Act, the appropriations for the expenditures of the city government for the current fiscal year have been made, said council shall have power, by ordinance, to revise, repeal or change said appropriations and to make additional appropriations.

Rules of construction of this act.

Section 28. In the construction of this Act the following rules shall be observed, unless such construction would be inconsistent with the manifest intent, or repugnant to the context of the statute:

Councilmen or aldermen.

First.—The words “councilman” or “alderman” shall be construed to mean “councilman” when applied to cities under this Act.

Office or officers.

Second.—When an office or officer is named in any law referred to in this Act, it shall, when applied to cities under this Act, be construed to mean the office or officer having the same function or duties under the provisions of this Act, or under ordinances passed under authority thereof.

Franchise or right.

Third.—The words “franchise” or “right” shall include every special privilege in the streets, highways and public places of the city, whether granted by the state or the city, which does not belong to citizens generally by common right.

Electors.

Fourth.—The word “electors” shall be construed to mean persons qualified to vote for elective offices at regular municipal elections.

Recall of election officers.

Section 29. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by 25 per cent of all qualified electors registered for the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not be appended to one paper, but each signer shall add to his signature his place of residence giving the street and number. One of the sign-

Petition.

Contents of petition.

Verification of petition, by one petitioner on recall.

ers of such paper shall make oath before an officer competent to administer oaths that the statements therein are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine, and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose; and he shall attach to said petition his certificate, showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient the council shall order and fix a date for holding said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The council shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared, in all respects as are other elections.

So far as applicable, except as otherwise herein provided, nominations hereunder shall be made without the intervention of a primary election by filing with the clerk at least ten days prior to said special election, a statement of candidacy accompanied by a petition signed by electors entitled to vote at said special election equal in number to at least ten per cent of the entire number of persons registered to vote at the last preceding general municipal election, which said statement of candidacy and petition shall be substan-

City clerk to examine and determine whether petition has sufficient number of signers.

Certificate of clerk.

When petition may be amended.

Examination of.

When new petition may be filed.

Fixing date of election.

Duties of council regarding holding of election.

Nominations without intervention of primary.

Statement of candidacy with petition.

Form.

tially in the form set out in Section 12 of this Act, so far as the same is applicable substituting the word "special" for the word "primary" in such statement and petition, and stating therein that such person is a candidate for election instead of nomination. The ballot for such special election shall be in substantially the following form:

Form of ballot for special election for recall.

Official Ballot.

Special election for the balance of the unexpired term of.....as.....

For

(Vote for one only).

(Name of candidates).

Name of present incumbent.

Official ballot attest:

(Signature)

.....

City Clerk.

Successor to recalled officer.

Officer sought to be recalled may be candidate for re-election.

Who elected. When incumbent deemed removed.

Office deemed vacant when.

Method of removal deemed cumulative.

Proposed ordinance submitted to council.

Determination of sufficiency of petition.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of the election the office shall be deemed vacant. If the incumbent receive the highest number of votes, he shall continue in office. The said method of removal shall be cumulative, and additional to the methods heretofore provided by law.

Section 30. Any proposed ordinance may be submitted to the council by petition signed by electors of the city equal in number to the percentage hereinafter required. The signature, verification, inspection, certification, amendment and submission of such petition

shall be the same as provided for petition under Section 29 hereof. If the petition accompanying the proposed ordinance be signed by electors equal in number to 25 per centum of the entire number of persons registered to vote at the last preceding general election, and contains a request that the said ordinance be submitted to a vote of the people, if not passed by the council, such council shall either—

If petition is sufficient, duty of council.

(a) Pass each ordinance without alteration within 20 days after the attachment of the clerk's certificate to the accompanying petition, or—

May pass the ordinance.

(b) Forthwith, after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall call a special election, unless a general municipal election is fixed by law within 30 days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted to the vote of the electors of such city.

But if the petition is signed by not less than ten nor more than 25 per centum of the electors, as above defined, then the council shall, within 20 days, pass said ordinance without change, or submit the same at the next general city election occurring after the clerk's certificate of sufficiency is attached to said petition.

May pass the ordinance or submit to the people, when.

The ballots used when voting upon said ordinance shall contain these words: "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by the petition of which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Form of ballot to be used in such election.

When ordinance carries.

How and when repealed or amended.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purposes.

Any number of proposed ordinances may be voted on.

Only one special election within six months.

The council may submit a proposition for the repeal

Council may submit repeals or amendments.

Publication of proposed ordinances.

Period of publication.

When ordinance passed by council shall take effect.

When to be suspended.

When council shall submit suspended ordinances.

Form of petition for suspending ordinances.

of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this Act to be submitted to the voters of the city at any election, the city clerk shall cause such ordinance or proposition to be published once in each of the daily newspapers published in such city, and if there be none then one time in each weekly newspaper published therein; such publication to be not more than 20 or less than 5 days before the submission of such proposition or ordinance to be voted on.

Section 31. No ordinance passed by the council, except when otherwise required by the general laws of this state or the provisions of this Act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council, shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least 25 per centum of the entire number of persons registered to vote at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance; and if the same is not entirely repealed, the council shall submit the ordinance, as is provided by sub-division (b) of Section 30 of this Act, to the vote of the electors of the city, either at a general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 30, except as to the percentage of signers, and be examined and certified to by the clerk in all respects as therein provided.

Section 32. Any city which shall have operated for more than six years under the provisions of this Act may abandon such organization hereunder and accept the provisions of the general law of the state than applicable to cities of its population.

When city operating under this act may abandon same.

Upon the petition of not less than 25 per centum of the electors of such city registered for the last preceding general city election, a special election shall be called, at which the following proposition only shall be submitted:

Petition to abandon system herein prescribed.

"Shall the city of (name the city) abandon its organization under chapter of the Acts of the Twelfth Legislative Assembly and become a city under the general law governing cities of like population; or if formerly organized under special charter shall resume said special charter?"

Question to be decided.

If the majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the state for cities of like population, and upon the qualification of such officers such city shall become a city under such general law of the state, but such change shall not in any manner or degree affect the property, rights or liabilities of any nature of such city but shall merely extend to each change in its form of government.

When question carries city becomes a city under the general law.

The sufficiency of such petition shall be determined, the election ordered and conducted and the results declared, generally as provided for by Section 29 of this Act in so far as the provisions thereof are applicable; or if now organized under special charter, may resume said special charter.

Effects of change of government.

Determining sufficiency of petition for change of government.

Section 33. Petition provided for in this Act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city, stating that the signers thereof were, at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made.

Legal voters only can sign any petition.

Statements required in all petitions.

Effect of this act
upon existing
laws.

Section 34. All Acts and parts of Acts and all laws, not inconsistent with any of the provisions of this Act, now in force or hereafter enacted relative to municipal corporations are hereby continued in full force and effect and shall be considered and construed as not repealed by this Act, except in so far as the same may be in conflict or inconsistent with the provisions of this Act.

Repealing clause.

Section 35. All laws and parts of laws in conflict herewith are hereby repealed.

Section 36. This Act shall become effective immediately upon its passage and approval.

Approved February 28, 1911.

CHAPTER 58.

"An Act to Amend Section 8582 of the Revised Codes of Montana of 1907, relating to carrying concealed weapons in cities or towns."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section
8582, Revised
Codes, 1907.

Section 1. That Section 8582 of the Revised Codes of Montana of 1907 be amended so as to read as follows:

Concealed weapons.

Carrying same in
limits of cities
and towns.

"Section 8582. Every person who within the limits of any city or town carries or bears concealed upon his person a dirk, dagger, pistol, revolver, slung shot, sword cane, or knuckles made of any metal or hard substance, or other deadly weapon, is punishable by imprisonment in the county jail for a term not exceeding six months or by a fine not exceeding Five Hundred (\$500.00) Dollars or by imprisonment in the penitentiary for a period not exceeding five (5) years. This section shall not apply to peace officers or persons summoned in their aid in the discharge of their official duty, nor to the carrying of arms on one's premises or place of business. This Act shall not be construed as repealing any other provisions of Section 8586 of the Revised Codes of Montana, 1907."

Penalty.

Act applicable to
whom.

Not to apply to
what laws.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and effect

from and after its passage and approval by the Governor.

Approved March 1, 1911.

CHAPTER 59.

"An Act to Amend Chapter II, Title II, Part IV, Division I, of the Civil Code of Montana, entitled, 'Trust Deposit and Security Corporation,' by adding thereto a section which shall be designated as Section 3942-A of the Revised Codes of Montana of 1907, relating to the Status, Powers and Term of Existence of any Corporation which has availed itself or attempted to avail itself of the Benefits of the Amendatory Acts Referred to in Section 3942 of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That Chapter II, Title II, Part IV, Division I, of the Civil Code of Montana be amended by adding a section thereto after section 3942 to be designated section 3942-A, reading as follows:

Amending clause.

Section 3942-A. Any corporation organized under the act referred to in section 3942 of the revised Codes of Montana which has, during the term of its original corporate existence, taken proceedings to avail itself of the benefits of the amendatory act referred to in and of which said section 3942 is a part, or extended or attempted to extend its business and powers so as to include the powers or any of the powers of corporations organized under said chapter, shall be deemed thereby to have availed itself of the provisions of said amendatory act, provided any such corporation shall within six months from and after the approval of this act by resolution of its board of directors or trustees to be entered in the minutes of the proceedings of said board, elect to accept the benefits hereof. And any such corporation, which elects to accept the benefits hereof, shall be held thereby to have extended the period of its existence for a term of fifty years, including the term for which it was originally incorporated, and if the original term of existence of any corporation hereinbefore referred to shall have expired

Corporations.
Legalizing and rendering effective attempts of corporations to avail themselves of benefits of act.

Provided they now comply with requirements of this act.

When extension of term of existence has been effected.

Revived corporations when term of existence has expired.

When proceedings
questioning exten-
sion must be
brought.

and such corporation shall have continued to and is now doing business, such corporation is hereby revived and its corporate existence fixed for the term hereinbefore stated. No proceedings by any stockholder of any such corporation or any person by which shall be brought in question the extension of the period of the existence of such corporation as herein provided shall be maintained unless commenced within six months from and after the passage and approval of this Act.

Repealing clause.

Section 2. All Acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1911.

CHAPTER 60.

"An Act to Provide for the nomination of candidates for the office of Senator in the Congress of the United States by political party conventions, or by certificate and petition, and providing that such candidates shall be voted for by the electors of the state, in the same manner as candidates for state officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected, and to amend Section 545 of the Revised Codes of 1907 of the State of Montana so as to provide for placing on the official ballot the names of candidates for United States Senator."

Be it enacted by the Legislative Assembly of the State of Montana:

United States
senators.
Political state
conventions shall
nominate, when.

Section 1. It shall be the duty of the state convention of any political party within the State of Montana, held next preceding any session of the Legislative As-

sembly, at which is to be elected a United States Senator, to nominate in the same manner as candidates for state officers are nominated, a candidate of such political party for the office of Senator in the Congress of the United States and to certify such nomination to the Secretary of State in the same manner as is now provided for certifying nominations of candidates for state officers, and it shall be the duty of the Secretary of State to treat such nominations for Senator in the Congress of the United States in the same manner as candidates and nominations for State Officers, "And to certify to the County Clerk of each county the nominations for United States Senator, so made as shown by and specified in such certificates of nomination at the same time and in the same manner as is now provided by law for the certification by him to the various county clerks of nominations made of candidates for State Offices."

To certify nomination.

Duty of secretary of state.

Shall certify nominations to the county clerk of each county.

Section 2. The election proclamation of the Governor provided for in Section 452 and 453, Revised Codes, State of Montana, 1907, shall contain, in case of a general election immediately preceding the session of the Legislative Assembly at which is to be elected a United States Senator, a statement to the effect that at such election the electors may express their choice for the office of United States Senator.

Election proclamation of the governor.

Section 3. At the general election held next preceding any session of the Legislative Assembly, at which is to be elected a United States Senator, the electors of the state shall have the right to express their choice for such United States Senator, in the same manner as for the candidates for the various offices to be filled at such election, and shall have the right to vote in the same manner as they vote for other candidates for office, for one or the other of such persons so nominated for the office of Senator in the Congress of the United States and certified and appearing upon the official ballot, as aforesaid.

Electors may vote for senators, how.

Section 4. All ballots prepared for use at any such election as provided by Section 545 of the Revised Codes of Montana of 1907, shall contain in each list of candidates of the several parties, the candidates of

Ballots shall contain the names of candidates for U. S. senator.

When names are to be placed on ballots.

each political party for the office of United States Senator, or the candidates of such party, in case two are to be elected at the same time, the candidate or candidates, as the case may be of each political party for the office of United States Senator being placed first in the list after words, "For United States Senator."

Term shall be designated.

In case two Senators are to be elected, the length of the term to fill which each candidate is nominated shall be designated by appropriate reference on the ballot immediately before his name.

Canvassing, transmitting and certifying vote.

Section 5. The vote for United States Senator must be canvassed, certified to and transmitted in the same manner as the vote for State Officers.

Nomination by petition.

Section 6. Candidates for the office of Senator in Congress of the United States may be nominated otherwise than by political party conventions or primary meetings, in the same manner as other candidates for office may now be nominated otherwise than by convention or primary meeting, as provided for in Section 524 of the Revised Codes, State of Montana, 1907, provided, that in the case of the first election held under the provisions of this Act, the vote for Governor shall be used as a basis of computation and when so nominated their names shall be placed upon the official ballot to be used at such general election, in the same manner as is now provided by law for State Officers, not nominated by convention or primary meeting, and may be voted upon by the electors of the State as herein provided in relation to candidates for Senator in the Congress of the United States nominated by political conventions or primary meetings.

Basis for computing required number of names on petition.

How placed upon official ballot.

Governor shall certify to the legislature the number of votes received by each candidate.

Section 7. The Governor shall, upon the convening of any session of the Legislative Assembly, at which a United States Senator is to be elected, transmit to each house, a certificate showing the number of votes received by each candidate for United States Senator, so nominated as aforesaid, as returned to him by the state board of canvassers, for their information and guidance.

Section 8. Any candidate for the office of Senator or Representative in the Legislative Assembly, who

has been nominated by a party convention for such office, or who has been nominated by a party convention for such office, or who has been nominated for such office as provided for in Section 524 of the Revised Codes, State of Montana, 1907, may, not more than thirty days nor less than twenty days, before the day upon which the general election is to be held, file with the County Clerk and Recorder of the county wherein such person is a candidate, one or the other of the following statements:

Candidates for state senator or the house of representatives may file a statement in the office of the county recorder, when.

Statement No. 1.

I state to the people of Montana, as well as to the people of my county, that during my term of office, I will always vote for that candidate for United States Senator in Congress who has received the highest number of the people's votes for that position, at the general election next preceding the election of a Senator in Congress without regard to my individual preference.

Statement No. 1.

.....
(Signature of Candidate.)

Statement No. 2.

During my term of office I shall consider the vote of the people for the United States Senator in Congress as nothing more than a recommendation which I shall be at liberty to wholly disregard, if the reason for doing so seems to me to be sufficient.

Statement No. 2.

.....
(Signature of the Candidate.)

Section 9. Each county Clerk and Recorder within the State of Montana shall prepare a certificate under his hand and the seal of his office, showing what candidates for the office of Senator or Representative in the Legislative Assembly have duly signed and filed statement No. 1, and also showing what candidates for such offices have duly signed and filed statement No. 2, and also showing what candidates for office have failed to file either of said statements, and shall cause such certificate to be published in some newspaper, either weekly or daily, within his said county, and if there be a daily newspaper published in said county

Certificate to be prepared by county clerk and recorder.

Publication of certificates.

said certificate shall be published in said daily newspaper for fourteen successive days next preceding the day upon which such general election is to be held, and if there be no daily newspaper published in said county, then said certificate shall be published in some weekly newspaper published in said county once each week during the two weeks next preceding the day of such general election.

Repealing clause.

Section 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1911.

CHAPTER 61.

"An Act to Amend Section 2773 of the Revised Codes of the State of Montana of 1907, relating to Licenses."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2773 of the Revised Codes of the State of Montana of 1907 be amended to read as follows:

Section 2773,
Revised Codes,
1907, amended.

License to be paid
by telephone, tele-
graph and electric
companies.

"Section 2773. Every person, corporation or association doing business in this State as a telephone, telegraph or electric company must pay a license in each county where such business is transacted as follows:

1.

Gas and electric
companies.

License.

Each gas and electric company doing business in cities of more than ten thousand population shall pay a license of Two Hundred Dollars (\$200.00) per year; in cities of five thousand and less than ten thousand population a license of One Hundred (\$100.00) Dollars per year; in cities of less than five thousand a license of Fifty Dollars (\$50.00) per year; and where such companies are consolidated such license shall be paid for each department.

2.

License of tele-
phone companies.

Every telephone company doing business in cities of more than ten thousand population shall pay a license of Four Hundred Dollars (\$400.00) per year; in cities of more than five thousand and less than ten thousand

population a license of Two Hundred Dollars (\$200.00) per year; and in cities of less than five thousand population a license of One Hundred Dollars (\$100.00) per year.

3.

Each telegraph company shall pay a license of Five Dollars (\$5.00) per quarter for each instrument in use.

License of telegraph companies.

1.

Every person, company or corporation selling water in incorporated cities of more than ten thousand population shall pay a license of Four Hundred (\$400.00) per year; in cities of more than five thousand and less than ten thousand population shall pay a license of Two Hundred Dollars (\$200.00) per year; and in cities of less than five thousand population shall pay a license of One Hundred Dollars (\$100.00) per year; and in towns Fifty Dollars (\$50.00) per year, and where such companies are consolidated such license shall be paid for each department; provided, however, that no license shall be exacted from any person, company, or corporation selling water by delivery in packages, cans, bottles, barrels or otherwise than by pipes, conduits, ditches or canals.

License of water companies.

License where companies are consolidated.

Proviso.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1911.

CHAPTER 62.

"An Act to amend Section 3398 of the Revised Codes of Montana, of 1907, and providing that interest coupons for the payment of interest of any special improvement warrant of any city or town within the State of Montana may bear an engraved or lithographed fac simile signature of the Mayor and City or Town Clerk of such City or Town."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3398 of the Revised Codes of Montana, of 1907, be amended so as to read as follows:

Amending Section 3398, Revised Codes, 1907.

Costs and ex-
penses in special
improvement dis-
tricts, how paid.

Warrants shall
draw what inter-
est.

Interest coupons,
form of.

Repealing clause.

"Section 3398. All cost and expense incurred in making improvements in any Special Improvement District, shall be paid by special improvement warrants drawn against said district fund, and for each special improvement district, there shall be a special improvement district fund. Said warrants shall draw simple interest at the rate of 6 per cent. per annum. Such interest from the date of registration of the warrent until the first payment of the assessment for such work becomes delinquent shall be considered a part of the cost of such improvement. If interest coupons are issued for the payment of interest of any special improvement warrant, said coupons may bear the engraved or lithographed fac simile signature of the Mayor and City or Town Clerk of such City or Town."

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

Section 3. This Act shall take effect from and after its passage and approval by the Governor.

Approved March 2, 1911.

CHAPTER 63.

An Act authorizing the State Game and Fish Warden to appoint additional deputies at certain times; providing for their compensation, and authorizing the State Game and Fish Warden to employ an additional clerk, and fixing the salary thereof, and providing the manner in which the same shall be paid.

Be it enacted by the Legislative Assembly of the State of Montana:

Game and fish
warden, when may
appoint special
deputies.

May be removed
when.

Salaries and ex-
penses.

To be paid out of
what fund.

Section 1. The State Game and Fish Warden is hereby authorized to appoint, in addition to the special deputy game and fish wardens now allowed by law, such additional deputy game and fish wardens, at such times as he may deem necessary, to protect the fish and game interests of the state, to be removed at his pleasure, at a salary not to exceed one hundred twenty-five (125) dollars per month and actual necessary traveling expenses while in the discharge of their duties, not to exceed twenty-five (25) dollars per month, to be paid out of the Fish and Game Fund in the State Treasury, upon vouchers duly audited by the State Board of Ex-

aminers, and said total sum so paid for such salaries and travelling expenses is not to exceed the sum of twenty-five hundred (2500) dollars in any one year.

Limit of amount
so expended.

Section 2. The State Game and Fish Warden is hereby authorized to employ an extra office clerk at such times as may be necessary at a salary of seventy-five (75) dollars per month, payable monthly out of the Fish and Game Fund in the State Treasury, by warrant drawn on said fund by the State Auditor in the same manner as for the salaries of special deputy game and fish wardens; provided that no clerk shall be so employed until authority for so doing is first obtained from the State Board of Examiners, by the State Game and Fish Warden.

Extra office clerk
for state game
and fish warden.

Salary.

When may be
appointed.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1911.

CHAPTER 64.

An Act providing for the investigation of the nature, source and vehicle and the cure and prevention of Rocky Mountain Spotted Fever and appropriating money therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of five thousand (\$5000.00) Dollars, or so much thereof, as may be necessary for the year 1911, and a like sum, or so much thereof, as may be necessary for the year 1912, be, and the same is, hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to conduct a scientific investigation into the nature, source and vehicle of the disease known as Rocky Mountain spotted fever and to conduct investigation as to the cure and prevention thereof.

Rocky mountain
spotted fever.
Appropriation for
investigation of

Section 2. That upon the passage and approval of this Act the State Board of Health shall appoint some fit and proper person to conduct such investigation as in Section One of this Act provided.

State board of
health to appoint
a person to make
the investigation.

Section 3. The salary of such person appointed as

Salary.	in Section Two of this Act provided, shall be fixed by the State Board of Examiners and such person shall monthly make an account of his expenses verified by affidavit to the State Board of Examiners, who shall in the manner provided by law examine, and if found correct, allow the same.
Monthly statement of expenses.	
State auditor to draw his warrant for amount allowed.	Section 4. The State Auditor is hereby authorized to draw his warrant in favor of such person for the amount so allowed by the State Board of Examiners and the State Treasurer is directed to pay the same.
Repealing clause.	Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 2, 1911.

CHAPTER 65.

An Act to amend Section 1712, Revised Codes of the State of Montana, 1907, as amended by an Act of the Eleventh Legislative Assembly, entitled, "An Act to Amend Sections 1711 and 1712 of the Revised Codes of Montana of 1907 relating to the salaries of the inspector and deputy inspector of mines, and to provide for the salary of such deputy inspector of mines."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1712, Revised Codes, 1907, and Chapter 71, Laws of 1909, Section 2.	Section 1. That Section 1712, Revised Codes, State of Montana, 1907 as amended by the Eleventh Legislative Assembly, by an Act entitled, "An Act to amend Sections 1711 and 1712 of the Revised Codes of Montana of 1907, relating to the salaries of the Inspector and Deputy Inspector of Mines" be amended so as to read as follows: Section 1712. The Governor, by and with the consent of the Senate, must appoint a Deputy Inspector of Mines who shall possess like qualifications to those required of the Inspector of Mines, who shall hold his office for four years, unless sooner removed by the Governor. No person shall hold the office of Deputy Inspector of Mines while an employee or officer of any mining company or corporation. The Deputy Inspector of Mines must devote his entire time to the duties of his office, under the supervision and
Deputy inspector of mines: appointment.	
Qualifications.	
Term of office.	
Entire time to be devoted to duties of office.	

direction of the Inspector of Mines, and his annual salary shall be two thousand four hundred dollars (\$2,400.00) per annum. Salary.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved March 2, 1911.

CHAPTER 66.

An Act to amend Section 1509 and Section 1564 of the Revised Codes of Montana, 1907, providing that sewerage system must be approved by the State Board of Health and relating to the pollution of water supply.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That Section 1509 of the Revised Codes of Montana, 1907, be and the same is amended to read as follows: Section 1509: Whenever any city, town, or corporation, or person shall hereafter contemplate the construction of any sewer system that will empty into any stream or source of water supply in this state, they shall submit a plan of such proposed system to the State Board of Health and said Board shall cause a thorough investigation to be made and if after such an investigation they shall determine that such sewerage will so pollute the waters of any stream or source of water supply as to endanger the health of lives of the citizens of this state, or any of them, they shall submit to the judge of the district court of the district in which such proposed sewerage system is located, the evidence on which their findings are based and if said judge upon that evidence, and such other evidence as the judge may receive on a hearing at which all parties in interest may be heard and present evidence if they desire, shall find that the action of the State Board of Health is just and unbiased, he shall issue and order preventing the construction of such sewerage system except under such conditions as the State Board of Health may designate.

Amending Section 1509, Revised Codes, 1907.

Sewer systems of cities and towns.

When plans must be submitted to state board of health.

Board must cause an inspection to be made.

Evidence and findings of board to be submitted to district court, when.

All interested persons may be heard by the court.

Determination and order of the court.

A city or town may appeal to the district court of the county in which such city or town may be located Appeal from any order of the state board of health to district court.

Manner of taking
appeal.

Court may order
pleadings to be
filed.

Amending Section
1564, Revised
Codes, 1907.

What waters shall
not be polluted.

When city or town
may be enjoined
from polluting
streams and
bodies of water.

Repealing clause.

from any order of the State Board of Health affecting such city or town at any time within thirty days after the service on the city or town council of such order. Such appeal may be taken by filing notice thereof in such court either before or after serving a copy of such notice on any member of the State Board of Health. The court may order pleadings to be filed to present the issues and such case shall be tried *de novo* the same as appeal from a justice court.

Section 2. That Section 1564 of the Revised Codes of Montana, 1907, be and the same is amended to read as follows: Section 1564: That no sewerage, drainage, refuse or polluting matter, of such kind and amount as either, of itself or in connection with other matter, will corrupt, pollute or impair the quality of the water of any spring, pond, lake or stream used as a source of water or ice supply by a city, Town or public Institution or water or ice company for domestic use, or render it injurious to health, and no human excrement, shall be discharged into any such stream, spring, lake or pond or upon their banks or into any feeders of such spring, lake, pond or stream unless such sewerage, drainage, refuse or polluting water shall have been purified, so as to render it harmless in such a manner and under such conditions and restrictions as the State Board of Health may direct.

A city or town shall not be prohibited or enjoined from discharging its sewerage into a river or body of water unless such sewerage so pollutes the waters thereof as to be dangerous to public health.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1911.

CHAPTER 67.

"An Act to repeal Section 4073 of the Revised Codes of 1907, relating to the taxation of Insurance Companies on excess premiums over losses and ordinary expenses incurred within the State."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4073 of the Revised Codes of 1907 be, and the same is hereby, repealed.

Repealing Section
4073, Revised
Codes, 1907.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1911.

CHAPTER 68.

An Act to Amend Section 4114 of the Revised Codes of the State of Montana of 1907, relating to Investment of Capital of Insurance Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4114 of the Revised Codes of the State Montana of 1907 be amended so as to read:

Amending Section
4114, Revised
Codes, 1907.

"Section 4114. Stock companies organized under the laws of this state shall have not less than One Hundred Thousand Dollars of Capital subscribed, fifty per cent. of which shall be paid up and invested in bonds of the United States or this state, bonds issued by authority of the legislative assembly of this state secured by land grants, bonds or warrants of any school district, county or city in this state, or in bonds or mortgages upon unincumbered real estate in this state, worth, exclusive of improvements, at least double the sum loaned thereon, which security shall be deposited with the State Auditor, and upon such deposit and evidence by affidavits or otherwise, satisfactory to the Auditor that the Capital is all subscribed in good faith, and that the company is the actual and unqualified owner of the securities representing the paid up capital, he shall issue to such company the certificate hereinafter provided for, but no part of the fifty per cent. aforesaid shall be loaned to any stockholder or officer of the company. The remainder of such capital shall be paid within such time as the directors or

Stock insurance
companies.
Capital stock
required.

Amount paid up.
Investment of.

Securities shall be
deposited with
state auditor.

Proofs of owner-
ship of securities.

Duty of auditor.

Capital can not be
loaned to stock-
holders or officer
of company.

When remainder
of capital shall be
paid up.

When remaining fifty per cent of capital may be deposited with the state auditor.

Income of securities.

Change of securities, when may be made.

trustees of the company may order, or as the State Auditor may direct, but not later than two years from date of issuance of Auditor's Certificate, and until paid it shall be secured by the notes of the stockholders of the company: Provided, further, that the additional fifty per cent. of the capital stock may also be deposited with the State Auditor under the conditions as the original fifty per cent., or any additional amount which is necessary for the purpose of complying with the laws of any other state to enable said company to do business in such state, and the company making such deposit shall be entitled to the income thereof and may, from time to time, with the consent of the State Auditor, when not forbidden by the law under which the deposit is made, change in whole or in part, the securities which compose the deposit for other competent securities of equal par value."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1911.

CHAPTER 69.

"An Act Requiring The County Assessor To Furnish Certified Copies Of His Assessment Book As To All Property Within The Limits Of Incorporated Cities And Towns, And Providing For His Remuneration Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

When county assessors shall furnish copies of assessment books to cities of the third class and towns in his county.

Section 1. That on or before the second Monday in July of each year, the assessor must furnish to all cities of the Third Class and towns within his county, as shall make written request for the same on or before the first Monday in April of each year, a complete certified copy of his assessment book so far as such assessment book pertains to property within the limits of said cities and towns.

Compensation for copies.

Section 2. The assessor may charge such cities and towns five cents per folio of one hundred words for each copy of his assessment book furnished such cities and towns as provided in the preceding section.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict

with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect immediately after its passage and approval.

Approved March 2nd, 1911.

CHAPTER 70.

"An Act to prohibit the possession, sale or other disposal of toy pistols and appliances for the use of blank cartridges or caps containing explosive substance, and of blank cartridges, caps or other explosive substance intended for use in toy pistols or other such appliances."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person who shall sell, trade, exchange or give away, or offer to sell, trade, exchange or give away, or who shall have the possession of, what is known as toy pistols, toy cannons, cap pistols, explosive canes or other devices or appliances for the use of blank cartridges or caps containing chlorate of potash mixture or other explosive substance; or any blank cartridge, paper caps or other explosive substance prepared for, used in, or intended for use in toy pistols, cap pistols, explosive canes or other such appliances, shall be guilty of a misdemeanor.

Selling, trading in and exchanging toy pistols, cannons, cap pistols and certain explosive devices prohibited.

Misdemeanor.

Section 2. Toy pistols, toy cannons, cap pistols, explosive canes, and all such devices and appliances designated in the preceding section are hereby declared to be a public nuisance, and it shall be the duty of every officer authorized to make arrests, to seize every such toy pistol, article and device and bring the same before a committing magistrate.

Toy pistols, cannons, cap pistols and explosive canes declared a public nuisance.

Duty of officers.

Section 3. The Magistrate before whom such toy pistol, article or device is brought must cause the public destruction of the same and no person owning or claiming to own any such toy pistol, article or device shall have any right of action against any person or against the State, County or City for the value of such article or for damages for the destruction thereof.

Magistrate shall cause same to be destroyed.

Owner shall not have right of action to recover the value of same.

Section 4. It shall be the duty of every Mayor of every town or city in the State, to cause this act to be diligently enforced and to cause the police officers of his city or town to arrest and make complaint against

Duty of mayor to cause this act to be enforced.

any and all persons offending against any of the provisions of this Act.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1911.

CHAPTER 71.

"An Act to amend Section 926 of the Revised Codes of Montana of 1907 relating to Free County High Schools."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section
926, Revised
Codes, 1907.

Section 1. That Section 926 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Free county high
schools.

Duty of secretary
of the board when-
ever the board has
decided to submit
bond issue to the
people.

Certificate shall
contain what.

Limit of bond
issue in counties
of the first class.

In other counties.

Term of bonds.

Proviso.

Duty of county
commissioners
upon receiving
certificate.

"Section 926. Submission to Electors of Question of Bond Issue: The Secretary of the Board of County Free High School Trustees, whenever a majority of the Board shall so decide, shall certify to the Board of County Commissioners that they have decided to submit to the electors of the County, the question whether County Bonds shall issue for the purpose of the erection or purchase of a building for high school purposes and the equipment thereof, and for a suitable site therefor, and shall include in such certificate the amount of such bonds, which amount shall not exceed the sum of Two Hundred Fifty Thousand (\$250,000) Dollars, in any one county of the first and second class and in all other counties shall not exceed the sum of One Hundred Thousand (\$100,000) Dollars, in any one county. Such bonds may run for a term of twenty years, or less, but no longer, Provided, that any such issue of bonds shall not increase the indebtedness of any county beyond the maximum limit fixed by the State Constitution.

That as soon as practicable after receiving such certificate, the Board of County Commissioners shall proceed to submit the question of issuing said bonds to the qualified electors of the County in the manner provided by law for the issuance of other County bonds.

If such bonds are issued by the County Commissioners, at the time of making the levy of taxes for county purposes each year, must levy a tax for that year upon the taxable property in the county for the interest and redemption of said bonds, and such taxes must not be less than sufficient to pay the interest on said bonds for that year and such proportion of the principal as is to become due during such year, and, in any event, must be high enough to raise annually, for the first half of the term, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay said annual interest and to pay annually a portion of the principal of said bond, equal to the sum produced by taking the whole amount of said bonds out-standing and dividing it by the number of years said bonds have to run, and all money so levied, when collected, must be paid into the County Treasury to the credit of the County Free High School, kept in a separate fund, and to be used for the payment of principal and interest on said bonds, and for no other purpose; Provided, however, that the accumulated money may be invested as is provided for the investment of money collected for the payment of school district bonds.

Tax to be levied.

Amount of tax.

Must be paid to the credit of the county free high school.

Investment of accumulated money.

Said tax shall be levied and collected in the same manner as other county taxes.

How tax to be levied and collected.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1911.

CHAPTER 72.

"An Act to improve the Sanitary condition of Quartz Mines by providing for the proper ventilating of the same, and for protecting the lives of miners, and providing penalties for the violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of quartz mine owners, general managers, superintendents and foremen.

Section 1. It shall be the duty of all mining operators of any and all quartz mines in this State, when

Ventilation to be furnished.

working to a greater depth than three hundred feet, or any general manager, superintendent, or foreman acting on behalf of the above, whether said mining property is operated by tunnel, shaft, or other opening, to provide where necessary, feasible and practicable, a suitable and practical method for ventilating said mine either by separate shaft, or other mine working of suitable size or capacity which said ventilating system shall provide for the delivery of air to all portions of said mine that are being operated, and also provide reasonable means for carrying away of noxious fumes, gas, or smoke.

Toilet places or arrangements to be supplied.

Section 2. It shall be the duty of all mining operators to provide suitable and practicable toilet arrangements, or places which may be used for toilet purposes, for the use of employees in mines, such toilets, or sanitary arrangements may consist of a properly constructed toilet car, or receptacle where it is practical and feasible to use the same, that may be taken into the different working levels of a mine, and when such cars, or receptacles are used they shall be sent to the surface each day for proper cleaning or disinfecting. Where proper toilet apparatus is not provided, the employee shall be allowed to go to the surface or other suitable place, which place shall be kept in a reasonably sanitary condition. Underground stables shall be cleaned and droppings in waste taken to the surface each day. This section applies to mines working thirty men or over.

Toilet cars and receptacles to be disinfected.

When toilet apparatus is not provided.

Underground stables.

Guard rails and grizzlies for underground openings.

Section 3. Underground workings consisting of chutes, manways and winzes, or any opening kept for ventilating purposes, or for the removal of ore, or waste material, shall when necessary be protected by guard rails, or by a suitable cover known as a grizzly, made of good substantial timbers, or metal bars. Shafts at stations shall be protected by guard rails at every level. In vertical manways used by employees exclusively for traveling purposes in addition to proper ladders there shall be suitable landings, placed not to exceed thirty feet apart and so far as feasible and practicable all such manways, or air course used as an escape for men must be kept free from all obstructions.

Protection at shaft stations.

Vertical manways to be supplied with landings and kept free from obstructions.

Section 4. Every mining operator whether person or corporation failing to comply with any of the provisions of this Act, or any general manager, superintendent, or foreman acting on behalf of such mining operator and failing to comply with any of the provisions of this Act, shall be guilty of a misdemeanor.

Violation of this act a misdemeanor.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. This Act shall be in full force and effect from and after the first day of June, A. D., 1911.

Approved March 2, 1911.

CHAPTER 73.

An Act changing and defining the boundaries of Beaverhead and Madison Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the boundaries of Beaverhead County are hereby changed and defined as follows: Beginning at a point on the First Standard Parallel South at the northwest corner of Section 3, Township 6 South of Range 7 west; thence South, on the present boundary between Beaverhead and Madison Counties, eighteen (18) miles to a point which when surveyed will be the Northwest Corner Section 3, Township 9, South, Range 7 West; thence East six (6) miles, more or less, to the Northeast Corner Section 4, Township 9, South, Range 6 West; thence South six (6) miles, more or less, to the Northeast Corner Section 4, Township 10, South, Range 6 West; thence East seven (7) miles, more or less, to the Northeast Corner Section 3, Township 10, South, Range 5 West; thence South six (6) miles, more or less, to the Southeast Corner Section 34, Township 10, South, Range 5 West; thence East one mile to the Southeast Corner Section 35, Township 10, South, Range 5 West; thence South 6 miles, more or less to a point which when surveyed will be the southeast Corner Section 35, Township 11, South, Range 5 West; thence east five (5) miles to a point which when surveyed will be the Northeast Corner Section 3, Township 12 South, Range 4 West; thence South three (3) miles to a point

Beaverhead county, boundaries changed.

which when surveyed will be the Northeast Corner Section 22, Township 12 South, Range 4 West; thence East fourteen (14) miles, more or less, to a point, which when surveyed will be the Northeast Corner Section 24, Township 12 South, Range 2 West; thence South five (5) miles, more or less, to the Northeast Corner Section 13, Township 13 South Range 2 West; thence East sixteen (16) miles, more or less, on what will be the lines of the legal subdivision of the public surveys when surveyed, to the point of intersection with the boundary line between Montana and Idaho at the top of the Divide of the Main range of Rocky Mountains; thence in a general westerly and northwesterly direction along the top of said divide of the main range of the Bitter Root Mountains, which is here the boundary line between the State of Montana and the State of Idaho, to a point six (6) miles, more or less, northwest to the crossing of Dehalonega Pass, where the crest of the Continental Divide of the main range of the Rocky Mountains joins said divide of the main range of the Bitter Root Mountains; thence following in a general northeasterly direction along the top of said Continental Divide of the main range of the Rocky Mountains to the closest point above the commencement of the main drain of Rock Creek; thence along the middle of the channel of said Rock Creek in a southerly direction to a point in the center of the main channel of the Big Hole River directly opposite to the center of the outlet of said Rock Creek; thence down stream along the center of the main channel of the Big Hole River in an easterly and southerly direction to the point where said middle channel of said Big Hole River crosses the east boundary of Section 31, Township 4 South of Range 7 West; thence from the intersection of said lines taking a direct course to Beaverhead Rock; thence south to the southeast corner of Section 33, Township 5 South of Range 7 West; said corner being a monument on the First Standard Parallel South; thence east along said Standard Parallel to the northeast corner of Section 4, Township 6 South of Range 7 West and place of beginning.

Section 2. That the boundaries of Madison County Madison county, boundaries. are hereby changed and defined as follows:

Beginning at Beaverhead Rock on Beaverhead River between Sections 21 and 22 in Township 5 South of Range 7 West; thence south to the southwest corner of Section 34, Township 5 South of Range 7 West, said corner being a monument on the First Standard Parallel South; thence east on said Second Parallel to the northwest corner of Section 3, Township 6 South of Range 7 West; thence South eighteen (18) miles to a point which when surveyed will be the Northwest Corner of Section 3, Township 9 South Range 7 West; thence East six (6) miles, more or less, to the Northeast Corner Section 4, Township 9, South Range 6 West; thence South six (6) miles, more or less, to the Northeast Corner Section 4, Township 10 South Range 6 West; thence East seven (7) miles, more or less, to the Northeast Corner Section 3, Township 10 South Range 5 West; thence South six (6) miles, more or less, to the Southeast Corner Section 34, Township 10 South Range 5 West; thence East one (1) mile to the Southeast Corner Section 35, Township 10, South Range 5 West; thence South six (6) miles, more or less, to the point which when surveyed will be the Southeast Corner Section 35, Township 11, South Range 5 West; thence East five (5) miles to a point which when surveyed will be the Northeast Corner Section 3, Township 12, South Range 4 West; thence South three (3) miles to a point which when surveyed will be the Northeast Corner Section 22, Township 12, South Range 4 West; thence East fourteen (14) miles, more or less, to a point which when surveyed will be the Northeast Corner Section 24, Township 12, South Range 2 West; thence South five (5) miles, more or less, to the Northeast Corner Section 13, Township 13, South Range 2 West; thence East sixteen (16) miles, more or less, on what will be the lines of the legal subdivision of the Public Surveys when surveyed to the point of intersection with the boundary line between Montana and Idaho at the top of the Divide of the main range of the Rocky Mountains; thence in a general northeasterly course five (5) miles, more or less,

following along the top of said divide of the main range of the Bitter Root Mountains to the point from which the present east boundary line of Madison County diverges north; thence in a right line north to the point on the crest of the ridge or divide separating the drains of the Gallatin and Madison Rivers, from which a right line diverges west; thence west along said right line to Foremans Crossing of the Madison River; thence in a right line northwesterly to the mouth of the Big Canyon of Willow Creek; thence on a right line northwesterly to a point in the center of the channel of the Jefferson River directly opposite the center of the mouth of the Boulder River; thence up a stream in the center of the channel of the Jefferson River to Parson's Bridge on said Jefferson River; thence in a right line west to the top of the Table Mountain; thence in a right line to the right hand fork of Camp Creek; thence in a southwesterly direction down said Camp Creek in the center of the channel to a point in the center of the channel of the Big Hole River opposite the center of the mouth of Camp Creek; thence in a southerly direction down stream in the center of the channel of said Big Hole River to its nearest point to Beaverhead Rock, which is at the intersection of said River with the east boundary of Section 32, Township 4 South of Range 7 East; thence southeasterly in a right line to Beaverhead Rock and place of beginning.

Indebtedness of
Madison county to
be apportioned.

Manner of appor-
tioning.

How indebtedness
is to be ascer-
tained.

Section 3. That all of the indebtedness of Madison County as the same shall exist at the date of the approval of this act shall be apportioned between the county of Madison and the county of Beaverhead by first deducting from said indebtedness the amount of all moneys on hand and the amount of all moneys belonging to said Madison County and the remainder of said indebtedness shall be apportioned between the respective counties in the proportion which the amount of taxable property in Madison County bears to the amount of taxable property contained in the territory hereby annexed to Beaverhead County; said amount of indebtedness to be ascertained by a commission consisting of the Board of County Commissioners of Madison County and Beaverhead County and the

Judge of Department No. 2 of the Second Judicial District of the State of Montana, which said commission shall meet in the court house in the City of Virginia City, on the 20th day of March, 1911 and shall take as a standard for said apportionment of indebtedness the assessment for the year 1910, as determined by the Board of Equalization of Madison County.

Time and place of meeting of commission.

Section 4. That upon the adjustment of the said indebtedness it shall be the duty of the County Commissioners of Beaverhead County to be caused to be made out, issued and delivered to the County Commissioners of Madison County, warrants for any amount found to be due said Madison County, which warrants upon presentation, if the same shall not be immediately paid, shall be endorsed by the treasurer of Beaverhead County, "Not paid for want of funds" and shall thereafter draw interest as other county warrants.

Duty of commissioners of Beaverhead county upon adjustment of indebtedness.

Warrants.

Section 5. It is hereby made the duty of the County Treasurer of Madison County to transfer and pay over on or before the 1st day of June, 1911, all moneys in said Madison County to the credit of school districts embraced within the limits of the territory hereby taken from said County of Madison and included within the County of Beaverhead, which said moneys so transferred shall be held by the County of Beaverhead to the credit and for the use of the same school districts as they formerly existed.

Treasurer of Madison county to pay over certain school monies.

Section 6. That the Judge of Department No. 2 of the Second Judicial District of the State of Montana, for his services in acting upon said commission, shall receive the sum of Twenty-five Dollars (\$25.00) per day for the time he shall act in that capacity, and his necessary traveling expenses which shall be paid by the county of Beaverhead upon his verified claim presented to the Board of County Commissioners of said County.

Compensation of the judge.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1911.

CHAPTER 74.

An Act to provide an additional judge for the Twelfth Judicial District of the State of Montana, so that there will hereafter be two judges in said District.

Providing an additional judge for the Twelfth judicial district.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That from and after the passage and approval of this Act there shall be two judges in the Twelfth Judicial District of the State of Montana.

Governor to appoint.

Section 2. That the Governor shall appoint some fit and qualified person as additional judge of said Twelfth Judicial District to hold his office until the first Monday of January, in the year 1913, or until his successor is elected and qualified.

Term of office.

Sessions of court to be held at Glasgow and judge to maintain chambers in Valley county.

Section 3. That one of the judges of said Twelfth Judicial District shall hold a session of court at Glasgow, the county seat of Valley County in said District, and that said judge shall be at and maintain chambers in said Valley County at least once in each calendar month of each year.

Compensation, powers and duties.

Section 4. The compensation powers and duties of the said additional judge, by this act created, shall be the same as are provided by law for other district judges.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1911.

CHAPTER 75.

"An Act to provide for the support of the Government of the State of Montana, for the years 1911 and 1912."

Be it enacted by the Legislative Assembly of the State of Montana:

State levy for the year 1911 for state purposes.

Section 1. There is hereby levied for state purposes upon all the property of the State liable to taxation for the year 1911 an ad valorem tax of two and one-half mills ($2\frac{1}{2}$) on each dollar of the valuation of such property.

State levy for the year 1912 for state purposes.

Section 2. There is hereby levied for state purposes upon all the property of the state liable to taxation for the year 1912 an ad valorem tax of two and one-half ($2\frac{1}{2}$) mills on each dollar of the valuation of such property.

Section 3. There is hereby levied upon all the property in the State liable to taxation for the year 1911, an ad valorem tax of one fourth mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 58, Laws of 1907.

Levy for interest and sinking fund for redemption of certain bonds, for 1911.

Section 4. There is hereby levied upon all property in the State liable to taxation for the year 1912, an ad valorem tax of one fourth mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 58, Laws of 1907.

Levy for interest and sinking fund for bond redemption for 1912.

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Section 6. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 2, 1911.

CHAPTER 76.

"An Act authorizing and directing the transfer of certain moneys in the general fund to the maintenance account of certain state institutions."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It appearing that certain moneys collected and received in connection with the conduct of institutions hereinafter named has been placed to the credit of the general fund whereas same should have been credited to the maintenance account of such institutions, in order to avoid deficiencies for the conduct thereof, the state treasurer and state auditor are hereby authorized and directed to make transfers accordingly:

Transfer of certain monies from the general fund to funds of certain state institutions.

To the credit of the State Orphans' Home

Maintenance Fund	\$ 291.00	Orphans' home.
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To the credit of the State Reform School

Maintenance Fund	512.75	Reform school.
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Deaf and blind school.	To the credit of the Deaf and Blind School Maintenance Fund	504 02
Normal school.	To the credit of the State Normal School Maintenance Fund	60.10
State prison.	To the credit of the State Prison Maintenance Fund	704.31
Insane asylum.	To the credit of the State Insane Asylum Maintenance Fund	11,203.45
Section 2. This Act shall be in full force and effect from and after its passage and approval.		
Approved March 2, 1911.		

CHAPTER 77.

An Act empowering the Board of Directors of the Montana State Fair to acquire certain land for the use of the State Fair.

Be it enacted by the Legislative Assembly of the State of Montana :

Montana state fair.
Board authorized to acquire certain lands.

Lands to be conveyed to the state and forever set apart for the use and benefit of the state fair.

May exercise right of eminent domain.

State auditor to draw warrant in payment of same, when.

Section 1. The Board of Directors of the Montana State Fair are empowered to acquire by donation, purchase or condemnation, One Hundred and Thirty-five (135) acres, more or less, of land adjoining the present State Fair grounds on the South and situated in Sections 13 and 24 in township 10 North of Range 4 West, in the County of Lewis and Clark. The said land shall be conveyed to and vested in the State of Montana and shall be forever set apart for the use and benefit of the Montana State Fair. In order to acquire said land the Board may exercise the right of eminent domain under the provisions of the Code of Civil Procedure.

Section 2. Upon deposit in his office of a deed or deeds, or certified copy of judgment or judgments, conveying said property to the State of Montana, accompanied by abstract of title to said land, approved by the Attorney General, the State Auditor is hereby authorized to draw warrants to the person or persons conveying said land in the amounts certified to be correct by the President of said Board, or the Chairman of the Executive Committee.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 3, 1911.

CHAPTER 78.

An act to cede certain State School Lands to the United States in lieu of other lands and providing for the selection of the lieu lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All sections of lands numbered sixteen and thirty-six in surveyed townships and all unsurveyed sections which, when surveyed will be sections sixteen and thirty six, within the boundaries of the National Forests within this state shall be deemed and held ceded to the United States as soon as an act shall be passed by the Congress and approved by the President ceding to the state of Montana an equivalent number of sections of land situated in forest reserves and principally valuable for the timber which is growing thereon, which lands shall be known as lieu timber lands, and which lieu timber lands shall be selected as other state lands are selected from the public domain.

School lands within the boundaries of national forests ceded to the United States, when.

Lieu timber lands to be given the state.

Section 2. In selecting the lieu timber lands the State Board of Land Commissioners shall select the same as nearly as practicable in one compact body, or, if that be not practicable, then in one or more compact bodies, to the end that the same may be managed and controlled as a state forest, and the selections may be made from land in any county or counties of the State.

Selection of lieu timber lands.

Section 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3rd, 1911.

CHAPTER 79.

"An Act to appropriate Five Thousand Dollars (\$5000). for the purpose of assisting in the erection of a Monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders, and for the appointment of a Commission to assist in the erection of Memorial."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That, recognizing Wilbur F. Sanders to have been one of the foremost champions in the en-

Monument to the memory of Wilbur F. Sanders.

Recital.

deavor to establish law and order in the pioneer days of the territory of Montana, who, by his staunch defense of the right and condemnation of wrong, became and was a distinct factor in bringing order out of chaos, and by virtue of whose efforts the State now enjoys the blessings of modern civilization and government.

Appropriation.

We, the representatives of the people who have been so benefitted by his life and labors, in commemoration of his distinguished services to the Commonwealth, appropriate out of any moneys in the State Treasury not otherwise appropriated, the sum of Five Thousand (\$5000) Dollars, for the purpose of assisting in the erection of an appropriate statue within the rotunda of the State Capitol Building at Helena, Montana, to perpetuate the memory of said Wilbur F. Sanders.

Sanders memorial commission: members.

Section 2. To that end the Governor of the State of Montana, the President, Secretary and Treasurer of the Wilbur F. Sanders Memorial Association, the President of the Society of Montana Pioneers, the Commander of the Grand Army of the Republic, Department of Montana, and the President of the Montana Bar Association shall constitute a Commission to be known as the Sanders Memorial Commission, for the purpose of designing said monument, its construction, designating the place within the rotunda of said Capitol building where it shall be placed and seeing to the proper expenditure of the sum hereby appropriated.

To be placed within the rotunda of the capitol building.

Permission is given to place monument in the rotunda.

Section 3. That permission is hereby given for the erection of said monument in commemoration of the life and public services of the late Wilbur F. Sanders, in such part of the rotunda of the Capitol building at Helena, Montana, as may be selected by the Commission hereby appointed.

State auditor to draw warrants in payment of monument.

Section 4. The State Auditor of the State of Montana is hereby authorized, empowered and directed to draw his warrants from time to time upon the presentation of vouchers signed by the President and Secretary of the Sanders Memorial Association for such sums as may be needed, not exceeding in the aggregate Five Thousand (\$5,000) Dollars, for the purpose of carrying out the provisions of this Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1911.

CHAPTER 80.

"An act Relating to, and Regulating the Sale of Coal, within the State of Montana, Requiring all persons, Associations, or Corporations Retailing or Selling at Retail, Coal of any kind, to take out a license, and providing penalties for Violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That it shall be unlawful for any person, persons, association or corporation, to knowingly expose for sale or sell within the State of Montana, without first having obtained from the Secretary of State a license to sell any coal as hereinafter provided.

License to sell coal required.

Section 2. Every person, persons, association or corporation desiring to act as agent for or to sell at retail, coal within the limits of the State of Montana, shall make an application in writing to the Secretary of State, setting forth his or their residence, together with the names of two or more responsible citizens of the State of Montana as references.

Retail dealers in coal shall make application to the secretary of state.

Contents of application.

Section 3. The Secretary of State shall thereupon issue a license for such applicant for one year, except as hereinafter provided, which license shall set forth the name of the person, persons, association or corporation, and be kept conspicuously posted in his, their or its place of business.

Secretary of state to issue license.

License to be posted in place of business.

Section 4. Every person, persons, association or corporation shall pay annually, upon the issuance of such license as hereinbefore provided, the sum of one dollar (\$1.00), to the Secretary of State as a license fee.

Annual license fee.

Section 5. Licenses shall be for one year unless revoked as subsequently provided herein.

License to be for one year.

Section 6. In all sales of coal the seller must give to the purchaser full weight at the rate of two thousand pounds to the ton.

Full weights must be given.

Section 7. The Secretary of State shall have power to revoke the license of any person, persons, association or corporation upon conviction of a second violation of any law regulating the sale of coal within the

When license may be revoked. Notice to be given.

Secretary of state shall have power to administer oaths and compel attendance of witnesses.

State of Montana; but no such revocation shall be made until due notice to the person, persons, association or corporation so complained of, is given; and for the purpose of this section the said Secretary of State, or his authorized agents, shall have power to administer oaths and compel the attendance of persons, and the production of books, papers, etc.

Misrepresentations forbidden.

Section 8. No person, association or corporation shall be permitted to misrepresent to the public respecting any coal offered for sale, nor to sell coal of any particular name or from any particular mine under the name or designation of another coal or mine.

Violation of act a misdemeanor.

Section 9. Any person offending against the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00), and not less than fifty dollars (\$50.00) or to be imprisoned for a term not exceeding six months in the County Jail, or by both such fine and imprisonment.

Repealing clause.

Section 10. All Acts and parts of acts in conflict herewith are hereby repealed.

Section 11. This Act shall be in full force and effect from and after its passage.

Approved March 4th, 1911.

CHAPTER 81.

"An Act Prescribing the Salary of certain appointive and Deputy State Officers, Clerks, Stenographers and Employees at the State Capitol."

Be it enacted by the Legislative Assembly of the State of Montana:

Salaries of certain state officers and employes.

Section 1. The annual compensation allowed to the following named deputy state officers, clerks, stenographers and employees at the State Capitol is as follows:

Office of Governor.

Stenographer \$1500

Office of Secretary of State.

Deputy \$2100

Stenographer and Recorder \$1500

Office of State Treasurer.

Deputy	\$2100
Clerk	\$1800

Office of State Auditor.

Deputy	\$2100
Stenographer	\$1200
Bookkeeper	\$1200
Chief Clerk	\$1500

Superintendent of Public Instruction.

Deputy	\$1800
Stenographer	\$1200
Clerk	\$1200

Railroad Commission.

Rate Clerk	\$2500
Inspector	\$1800
Stenographer	\$1200

State Veterinarian.

Deputy	\$1500
Stenographer	\$1200

Bureau of Agriculture, Labor and Industry.

Chief Clerk	\$2100
Assistant Clerk Publicity Department..	\$2100
Stenographer Publicity Department ...	\$1200

Mine Inspector.

Deputy	\$2400
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Adjutant General.

Adjutant General	\$1800
Stenographer (from Dept. Child and Animal Protection)	\$ 300

Consolidated Boards. (Boards of Prison Commissioners, Insane Commissioners, Pardons and Equalization.)

Clerk	\$2100
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State Law Library.

Librarian	\$2500
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State Historical Library.

Librarian	\$2100
1st Assistant	\$1200
2nd Assistant	\$1200

Board of Horticulture.

Secretary	\$1000
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State Board of Examiners.

Clerk	\$2100
State Accountant	\$2100

State Board of Health.

Secretary	\$3000
Stenographer	\$1200

Bureau of Child and Animal Protection.

Secretary	\$2500
1st Deputy	\$1800
2nd Deputy	\$1800
3rd Deputy	\$1800
4th Deputy	\$1800
5th Deputy	\$1800
6th Deputy	\$1800
Stenographer	\$ 900

State Fair.

Secretary	\$3000
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Supreme Court.

Stenographer	\$2400
Marshal	\$1200
Attendant	\$1200

Capitol Employees.

Engineer	\$135.00 per month
Assistant Engineers	\$ 4.00 per day
Head Janitor	\$ 3.00 per day
(\$10.00 additional per month.)	
Seven Janitors, each	\$ 3.00 per day
Night Watchman	\$ 3.00 per day

Land Department.

Deputy Register State Lands	\$2100
Secretary Carey Land Act Board	\$1500

Repealing clause. Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4th, 1911.

CHAPTER 82.

An Act to amend Section 840 the Revised Codes of Montana of 1907, relating to the organization of new school districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 840, Revised Codes, 1907.

Section 1. That Section 840 of the Revised statutes of Montana of 1907 be amended so as to read as follows:

Section 840. For the purpose of organizing a new

district, a petition in writing shall be made to the county superintendent, signed by the parents or guardians of at least ten census children, between the ages of six and twenty-one years, residing within the boundaries of the proposed new district, and residing at a greater distance than two miles from any school house, which petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing within the boundaries of the proposed new district, at the date of presenting said petition. The County Superintendent shall give notice to parties interested by posting notices at least ten days prior to the time appointed by him for considering said petition, in at least three of the most public places in the proposed new district, and one on the school house door of each district affected by the proposed change, or if there be no school house, then in one of the most public places of said old district, and shall on the day fixed in the notice proceed to hear said petition, unless a protest, in writing, signed by at least a majority of the tax paying freeholders residing within such proposed school district shall be filed with the county superintendent of schools before or at the time fixed in the notice of the hearing of said petition, and in that event such new and proposed school district shall not be created. If no such protest be filed then the county superintendent shall make an order establishing said district and describing the boundaries thereof, and from any order made by the county superintendent of schools an appeal may be taken by three resident taxpayers of said new district to the board of county commissioners within thirty days, and their decision shall be final; Provided, that should the county superintendent refuse to make an order establishing said new district an appeal may be taken by three resident tax payers of said new district, in the manner hereinbefore described; Provided, that no new school district shall be established which does not contain property of an assessed valuation of at least Ten Thousand Dollars (\$10,000.00), as shown by the last official assessment roll of the county in which said proposed school district is lo-

Organization of new school districts.

Petition, number of petitioners.

Contents of petition.

Notice to be given by county superintendent.

When petition to be heard.

Protest by taxpayers.

When order for new district shall be made.

Appeals from order establishing new district.

Appeal from order refusing to establish new district.

Amount of assessed property required in new district.

cated.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1911.

CHAPTER 83.

An Act To Amend Section 1986 Of The Revised Codes Of Montana Of 1907, Relating To The Employment Of A Director Of The State Fish Hatchery And Providing For His Salary."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section
1986, Revised
Codes, 1907.

Section 1. That Section 1986, of the Revised Codes of Montana, of 1907 be, and the same is, hereby amended to read as follows:

Director of state
fish hatchery.

"Section 1986. The said State Board of Fish Commissioners shall employ a director to manage and operate said hatchery, who shall reside at or near said hatchery, and whose salary shall not exceed the sum of Eighteen Hundred (\$1800.00) Dollars per annum, payable monthly."

Appointment and
salary.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved March 4, 1911.

CHAPTER 84.

"An Act to amend Section 1144, of the Revised Codes of 1907, and to provide for the payment of fees and mileage of Physicians in Insanity Examinations."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section
1144, Revised
Codes, 1907.

Section 1. That Section 1144 of the Revised Codes of 1907, be and the same is, hereby amended to read as follows:

Compensation and
expenses allowed
physicians in at-
tending examina-
tions of insane
persons.

Section 1144. The physicians attending each examination of an insane person are allowed Five (\$5.00) Dollars and in addition his actual traveling expenses not to exceed the sum of ten cents for each and every mile actually and necessarily traveled by said physi-

cian in attending said examination, and in returning to his home therefrom, to be paid by the County Treasurer of the County, where the examination was had, on the order of the board of County Commissioners."

The Clerk of the District Court or the Chairman of the Board of County Commissioners, if the hearing be had before him, must give to such physician a certificate, under seal, of travel and attendance, which shall entitle him to receive the amount therein stated, from the County Treasurer.

Certificate of attendance and traveling expenses.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1911.

CHAPTER 85.

"An Act amending Section 6662 of the Revised Codes of Montana of 1907, relating to levy of writ of Attachment."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6662 of the Revised Codes of Montana of 1907 be and the same is hereby amended so as to read as follows:

Amending Section 662. Revised Codes, 1907.

"Section 6662. The sheriff to whom the writ is directed and delivered must execute the same without delay and if the undertaking mentioned in Section 6660 (893) be not given as follows:

Levy of writ of attachment.

1. Real property standing upon the records of the county in the name of the defendant must be attached by filing with the County Clerk a copy of the writ, together with the description of the property attached, and a notice that it is attached.

On real property standing in the name of defendant.

2. Real property or an interest therein belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached by filing with the County Clerk a copy of the writ, together with a description of the property, and a notice that such real property and any interest of the defendant therein held by or standing in the name of such other person, (nam-

Real property of defendant standing of record in name of another.

Duty of county clerk.

ing him) are attached. The County Clerk must index such attachment when filed, in the names of both of the defendant and of the person by whom the property is held, or in whose name it stands on the record.

On personal property capable of manual delivery.

3. Personal property, capable of manual delivery, must be attached by taking it into custody, except in cases in which personal property capable of manual delivery is in the possession of a third person, and such personal property, so in the possession of a third person, may be attached in the same manner as debts or credits and other personal property not capable of manual delivery as hereinafter provided.

When in possession of another person.

Stocks or shares of corporations or companies.

4. Stocks or shares, or interest in stocks or shares, of any corporation or company must be attached by leaving with the president or other head of the same, or the secretary, cashier, or other managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached in pursuance of such writ.

Debts or credits and personal property not capable of manual delivery.

5. Debts or credits and personal property not capable of manual delivery, and personal property in the possession of a third person, must be attached by leaving with the person owing such debt, or having in his possession or under his control such credits and personal property, or with his agent, a copy of the writ and a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession or under his control belonging to the defendant, are attached in pursuance of such writ.

Judgments standing in favor of the defendant.

6. Judgments standing in favor of and in the name of the defendant upon the records of the Clerk of the District Court must be attached by leaving with the said Clerk of the District Court a copy of the writ and a notice stating that the said judgment is attached in pursuance of such writ. The Clerk of the District Court must index and keep a record of all attachments of judgments hereunder and such attachment is binding on the judgment creditor.

Duty of the clerk of the district court.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force

from and after its passage and approval.

Approved March 4, 1911.

CHAPTER 86.

"An Act to Amend Section 7027 of the Revised Codes of Montana of 1907, Relating to Undertakings on Attachments in Justice of the Peace Courts and to Exceptions to the Sufficiency of the Sureties on the Undertakings."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7027 of the Revised Codes of Montana of 1907 be, and the same hereby, amended so as to read as follows:

Amending Section
7027, Revised
Codes, 1907.

"Section 7027. Before issuing the writ the justice must require a written undertaking in due form on the part of the plaintiff with two or more sureties, in a sum of not less than fifty dollars (\$50.00), nor more than three hundred dollars (\$300.00), to the effect that if defendant recover judgment the plaintiff will pay all costs that may be awarded to defendant and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking. Within two days after, or at any time before the service of the writ of attachment upon defendant, he may except to the sufficiency of the sureties, and if he fails to do so, he is deemed to have waived all objections to them. When expected to, the sureties must within three days after notice by the defendant of not less than one day, justify before the justice, and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the justice shall make an order vacating the writ of attachment.

Attachments in
justice courts.

Undertaking:
amount of re-
quired.

Conditions.

Exceptions to suf-
ficiency of sure-
ties, when to be
taken.

When sureties
must justify.

Vacating the writ.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall take effect and be in force on and after its passage and approval.

Approved March 4, 1911.

CHAPTER 87.

"An Act to Prohibit the Hunting of Game Animals and Game Birds Within a Certain District in the State of Montana, Defining the Boundaries of Said District, and Providing Punishment for the Violation Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Hunting within
state game pre-
serves forbidden.

Section 1. It is hereby unlawful for any person or persons to hunt, kill or pursue any game animal or game bird within the Territory as established by the following boundaries, to-wit:

Boundaries of
game preserve in
Park county.

Beginning at a point in the center of the Yellowstone River where the Yellowstone River is intersected by the North Boundary Line of the Yellowstone National Park; thence down the Yellowstone River in a Northerly direction, a distance of eight miles, more or less, to a point in the center of the Yellowstone River directly opposite the mouth of Mol Heron Creek; thence due West in a straight line until this projected line intersects the watershed between Mol Heron Creek and Tom Miner Creek, a distance of six miles, more or less; thence, in a general westerly direction, following the watershed between Mol Heron Creek and Tom Miner Creek, Specimen Creek and Sheep Creek, Teepe Creek and Buffalo Horn Creek to the Gallatin River, a distance of fifteen miles, more or less; thence across the West Gallatin River and in a general South-erly direction up the Divide between Sage Creek and Monument Creek, just above the White Springs, and continuing along this main divide around the head-waters of Monument Creek, Snowslide Creek and Bacon Rind Creek to a point at the intersection of this divide by the Divide between Bacon Rind Creek and the head-waters of the Madison Teepee Creek, a distance of ten miles, more or less; thence in a general Easterly di-rection along the divide between Bacon Rind Creek and Madison Teepee Creek to a point where it is inter-sected by the West Boundary Line of Yellowstone National Park, a distance of four miles, more or less; thence North along the West Boundary line of the Yellowstone National Park, a distance of seven miles,

more or less, to the intersection of the West Boundary Line of the Yellowstone National Park with the North Boundary Line of the Yellowstone National Park; thence along the North Boundary Line of the Yellowstone National Park, a distance of nineteen miles, more or less, to the place of beginning.

Section 2. Any person or persons guilty of a violation of this Act shall be fined in any sum not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars.

Penalty for violating provisions of act.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect after its passage and approval by the governor.

Approved March 4, 1911.

CHAPTER 88.

"An Act To Enable The Board Of County Commissioners Of Counties Of The First Class To Allow Claims For Services Rendered At The Special Instance and Request Of County Officers."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Board of County Commissioners in any county of the first class may, in its discretion, allow any claims for services rendered, or labor performed, for or on behalf of the county by any person at the request of any county officer, whether or not such county officer was empowered, or authorized to secure, obtain or contract for the rendition of any such service rendered or labor performed, where the person holding such claim has presented the same in due time in the manner provided by law, prior to the passage of this Act; provided that such claims shall not exceed the sum of Two Hundred and Fifty Dollars for any one year.

County commissioners of the first class empowered to pay certain claims.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4th, 1911.

CHAPTER 89.

"An Act Prohibiting Peace Officers and Other Persons From Obtaining or Seeking to Obtain Confessions From Persons Under Arrest, or Charged With the Commission of a Crime."

Be it enacted by the Legislative Assembly of the State of Montana:

Obtaining confessions of crimes by frightening, threatening, torture, etc., by certain persons, forbidden.

Section 1. It shall be unlawful for any sheriff, constable, police officer or any persons charged with the custody of any one accused of crime, of whatever nature, or with the violation of a municipal ordinance, to frighten or attempt to frighten by threats, torture, or attempt to torture, or resort to any means of an inhuman nature, or practice what is commonly known as the "Third Degree" in order to secure a confession from such person.

Violation of this act a misdemeanor.

Penalty.

Section 2. A violation of the provisions of Section 1 of this Act shall constitute a misdemeanor, and shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1911.

CHAPTER 90.

"An Act to Amend Section 8797 of the Revised Codes of 1907 of the State of Montana Relating to the Protection of Fish and Prohibiting the Depositing of Saw-Dust in Streams, Lakes and Ponds, and Prescribing a Penalty for the Violation of This Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 8797, Revised Codes, 1907.

Section 1. That Section 8797 of the Revised Codes of 1907 of the State of Montana be amended to read as follows:

Prohibiting the dumping or depositing of saw dust, bark or debris from saw mills.

"Section 8797. Every person, persons or corporations who operates any saw-mill on or near any stream, lake or pond, who dumps drops, carts, deposits or causes to be deposited in any such stream, lake or pond, any

saw dust, bark or debris, coming from said saw-mill, is punishable by a fine of not less than fifty (\$50.00) dollars, nor more than two hundred and fifty (\$250.00) dollars, or by imprisonment in the County jail not less than thirty day, nor more than ninety days, or both such fine and imprisonment, in the discretion of the Court." Penalty.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1911.

CHAPTER 91.

"An Act to Provide That State Officials Shall Receive Only Their Actual Traveling Expenses, and to Provide for the Payment of the Expenses of District Judges, Incurred on Account of Holding Court in Counties Other Than the Counties Where They Reside."

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. Each District Judge of a Judicial District, in this State, composed of more than one county, when, for the purpose of holding court and disposing of judicial business, he goes to a county of his judicial district, other than the county in which he resides, and therein holds court or transacts judicial business, shall be paid all of his actual and necessary expenses of transportation and living, incurred on account thereof, and all expenditures made therefor, from the time he leaves his place of residence until he returns thereto. Actual and traveling expenses of district judges holding court in counties where they do not reside.

Section 2. Twice a year, on the first days of January and July of each year or within three days thereafter, such district judge who may desire to avail himself of the provisions of this act shall make out an itemized claim against the State of Montana, showing, with dates and particulars, all moneys by him within the last preceding six months paid out and expended for and on account of such expenses; and shall verify such claim by making thereon or appending thereto his sworn affidavit that the items of the claim are true and Judges to make itemized statements of such expenses, when.

Contents of statement.

Verification.

Claims to be filed when.

State board of examiners to allow claims, when.

How paid.

correct and are wholly unpaid and that the expenditures therein enumerated were actually and necessarily made in the discharge of official business while away from home. He shall then file such claim with the clerk of the State Board of Examiners. At the first meeting of the board thereafter, the state board of examiners shall allow such claim, if properly verified, as above provided, and order a warrant drawn in payment thereof and the state auditor shall thereupon and in pursuance thereof draw and issue a warrant of the State of Montana in payment of such claim and forward the same to the claimant and take a receipt therefor.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4, 1911.

CHAPTER 92.

An Act limiting the number of licenses which may be issued for the sale of intoxicating liquors, and regulating the issuance of such licenses, and providing for a revocation of license upon conviction of a penal offense.

Be it enacted by the Legislative Assembly of the State of Montana:

Number of saloon licenses issued in cities and towns restricted.

Section 1. That it shall be unlawful for any county or city in this State to issue more than one license for every five hundred (500) inhabitants in any city or town to any retail liquor dealer; that is, a person who sells spirituous, malt or fermented liquors, or wine, in less quantities than one quart; provided, that any city or town may issue licenses to two saloons.

Act not to affect persons now holding retail liquor licenses, or the re-issuance or transfer of licenses to such persons.

Section 2. This act, in so far as it limits the issuance of licenses for the sale, or offering for sale, of spirituous malt or fermented liquors, or wine, shall not affect any person, company or corporation now regularly licensed, nor the party to whom such license may be transferred, to sell, or offer for sale, any spirituous, malt or fermented liquors, or wine, or the re-issuance or transfer of a license to such persons in accordance with existing laws upon this subject.

Section 3. Every person who desires to engage in

the business of a retail liquor dealer (that is, a person who sells spirituous, malt or fermented liquors, or wine, in less quantities than one quart) in any place not within the corporate limits of any city or town, must obtain a license from the County Treasurer. Before the County Treasurer shall permit the issuance of such license, a petition shall first be filed and presented to the Board of County Commissioners of the County where such person intends to engage in such business, outside of the corporate limits of any city or town, signed by at least twenty freeholders residing within the particular village, camp or township in which such person seeking such license intends to engage in such business, requesting the issuance of such license to such person. Before the Board of County Commissioners may act on any such petition, five days notice of such application shall be given by the County Clerk and Recorder by posting notices in at least three public places in the village, camp or township, within which the applicant wishes to locate, and if a protest is filed against the issuance of such license by at least twenty free holders residing within the particular village, camp or township, the county commissioners shall appoint a day for the hearing of said application for license and determine whether or not said license shall issue. From the decision of the Board of County Commissioners the applicant for license or the protestants against the issuance thereof, may appeal to the District Court of said county within thirty days after the decision of the Board of County Commissioners. The appeal shall be taken and heard in the same manner as appeals from justice courts to the District Court, except that the appeal shall be heard if possible within thirty days from the time of filing in the District Court, and the same shall be determined without delay.

Section 4. That upon a conviction of any person engaged in the business of a retail liquor dealer for a penal offense against the laws of the State of Montana, occurring in the place of business of such person and relating to such business, said person shall be punishable in accordance with existing laws upon the subject, except as hereinafter provided.

Retail liquor license outside of corporate limits of any city or town to be obtained from whom.

Petition for license outside of incorporated cities and towns.

Notice of application to be posted by county clerk, where and when.

Protest against issuing license.

Commissioners to set day for hearing petition.

Appeals from decision of county commissioners.

Conviction of retail liquor dealer for violating laws regarding such business.

License to be suspended upon second conviction of certain offenses.

Thereafter such person cannot obtain another license within three months.

Upon third conviction can not obtain a license within this state.

Repealing clause.

That upon a second conviction of any person engaged in the business of a retail liquor dealer for a penal offense against the laws of the State of Montana, occurring in the place of business of such person, and relating to such business, the license of such person, company or corporation so convicted shall be suspended by virtue of such second conviction, and such person, company or corporation shall not be entitled to obtain or hold, in his own name or in the name of any other person, company or corporation any license for the sale of any spirituous, malt or fermented liquors or wine, at retail for a period of three (3) months after such conviction; and upon a third conviction shall not be entitled to any license for the sale of spirituous, malt or fermented liquors or wine, at retail, within the State of Montana.

Section 5. All acts and parts of acts in conflict with this act are hereby repealed.

Section 6. This act shall be in full force and effect from and after July 1st, 1911.

Approved March 4th, 1911.

CHAPTER 93.

An act to amend Sections 213 and 214 of the Revised Codes of Montana 1907, relating to the salaries and expenses of the State Examiner, his Assistants, Deputies and Clerks, and providing for the appointment of a Deputy therefor.

Be it enacted by the Legislative Assembly of the State of Montana :

Amending Section 213, Revised Codes, 1907.

Salary of state examiner.

Necessary office and traveling expenses.

Amending Section 214, Revised Codes, 1907.

First assistant, salary.

Section 1. That Section 213 of the Revised Codes of 1907 be, and the same is hereby amended to read as follows. The salary of the State Examiner for all services rendered in any capacity whatever shall be three thousand dollars per year, and in addition thereto the State shall pay the necessary office and traveling expenses of himself and Assistants.

Section 2. That Section 214 of the Revised Codes of 1907 be, and the same is hereby amended to read as follows. The State Examiner shall be allowed one First Assistant at a salary of two thousand four hundred dollars per year; and one Second Assistant at a

salary of two thousand one hundred dollars per year; one Deputy at a salary of eighteen hundred dollars per year; and one Clerk at a salary of twelve hundred dollars per year; provided, that if at this session there is enacted a law placing private banks under the supervision of the State Examiner, there shall be allowed an additional Deputy at a salary of eighteen hundred dollars per year and expense money as may be included in the general appropriation bill.

Second assistant salary.

Deputy's salary.

Clerk's salary.

Additional deputy and salary.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4th, 1911.

CHAPTER 94.

An Act to amend Section 1092 of the Revised Codes of 1907, relating to the duties, powers and compensation of the Adjutant General of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1092 of the Revised Codes of Montana of 1907 be and the same is hereby amended so as to read as follows: Section 1092. The Adjutant General shall be chief of Staff. In his absence or inability, from sickness or other cause, to perform his duties the Governor may appoint an Acting Adjutant General who shall serve without pay. The Adjutant General shall have the custody of all military records, returns, reports, correspondence, muster rolls and other documents relating to the National Guard heretofore or hereafter organized. He shall be the medium of military correspondence with the Governor and perform all other duties pertaining to his office or prescribed by law. He shall be ex-officio custodian of the State Property. He shall biennially on or before the first day of December, make a report to the Governor to be laid before the legislature, of all the transactions of his department since the last biennial report, and setting forth the number, strength and condition of the National Guard, and such other matters as he may deem important. He shall also make and transmit to the President the annual returns required by the

Amending Section 1092, Revised Codes, 1907.

Adjutant general, chief of staff.

When governor may appoint an assistant adjutant general.

Duties and powers of adjutant general.

Biennial report.

Annual returns to be made to the president.

Copy thereof to be submitted to the governor.

Official bond.

Salary and expenses.

Limit of expenses.

How to be audited.

laws of the United States, and at the same time submit to the Governor a duly certified copy thereof. The Adjutant General must give a bond in the sum of five thousand dollars with sufficient sureties. The Adjutant General shall receive a salary of eighteen hundred dollars per annum and also his necessary expenses, which shall not exceed ten hundred dollars annually, while absent from his office on official business which shall also be payment in full for all services rendered by him under this or any other law of the State; and the same shall be audited and paid in the same manner as the salaries and expenses of other State officers are paid.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage.

Approved March 4th, 1911.

CHAPTER 95.

An Act to legalize all warrants of counties issued and all bonds of counties issued or sold for the purpose of paying for the construction of public highways and public highway bridges.

Be it enacted by the Legislative Assembly of the State of Montana:

Legalizing county warrants and bonds issued in payment of construction of public highways and bridges.

Section 1. That all warrants which have been issued by any county of the state, under authority of the Board of County Commissioners of the county, for the purpose of paying for the construction of public highways and public highway bridges, and not in excess of the constitutional limit of indebtedness, are hereby legalized and declared to be valid and binding obligations of the respective counties issuing the same; and all bonds issued or sold by the Board of County Commissioners of the county, pursuant to an election held for the purpose of authorizing an issue of bonds for the purpose of constructing public highways and public highway bridges, and not in excess of the constitutional limit of indebtedness, are hereby legalized and declared to be valid.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4th, 1911.

CHAPTER 96.

An Act fixing the time for the opening and closing of saloons in unincorporated cities, towns, and villages and providing penalties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. On and after the first day of July, A. D. 1911, it shall be unlawful for any person or person, firm or corporation engaged in the business of selling any kind or kinds of spirituous or malt liquors by the glass or drink in any unincorporated city, town or village to open such place of business for the sale of such liquor at an earlier hour than six o'clock in the morning of each or any day, and no such person or persons, firm or corporation shall sell or give away any such liquors in or about their respective places of business after the hour of one o'clock in the morning of each or any day and all such places of business shall be closed between the hours of one o'clock in the morning and six o'clock in the morning of each and every day.

Saloons in unincorporated cities and towns.

Hours during which such saloons may be open or do business.

Section 2. A violation of any of the provisions of this Act shall be deemed a misdemeanor and upon conviction the offender shall be punished by a fine of not less than fifty dollars and not exceeding Two hundred fifty Dollars; and persons acting as servants, employees or agents shall be liable in the same manner as their employers or principals.

Misdemeanor.

Penalty.

Section 3. Any person convicted a second time for a violation of the provisions of this Act shall in addition to the penalty named in section two of this Act be prohibited from the conduct of such business for a period of three months from the day of such conviction, and any person convicted a third time for a violation of the provisions of this Act shall in addition to the penalty prescribed in section two hereof, be barred from obtaining a retail liquor license for a period of six months to three years within said county.

Upon the second conviction for violating this act the person is prohibited from conducting such business for a period of three months.

Upon third conviction shall be barred from obtaining license for six months.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in full force from and after the first day of July, 1911.

Approved March 4th, 1911.

CHAPTER 97.

An Act to amend Section 2499 of the Revised Codes of 1907 relating to exemptions from taxation.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section
2499, Revised
Codes, 1907.

Section 1. That Section 2499 of the Revised Codes of 1907 be, and the same is hereby amended to read as follows:

Exemptions from
taxation.

"Section 2499. Exemptions. The property of the United States, the state, counties, cities, towns, school districts, municipal corporations, public libraries, such other property as is used exclusively for agricultural and horticultural societies, for educational purposes, places of actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity, and public art galleries and public observatories not used or held for private or corporate profit, are exempt from taxation, but no more land than is necessary for such purpose is exempt: Provided, that the terms public art galleries and public observatories used in this Act shall mean only such art galleries and observatories, whether of public or private ownership, as are open to the public, without charge or fee at all reasonable hours, and are used for the purposes of education only.

Limit of amount
of land exempt.

Public art galleries
and observatories
defined.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after the first day of May, 1911.

Approved March 4th, 1911.

CHAPTER 98.

An Act to authorize the creation of districts for lighting streets in the business portion of cities, and to assess not less than one-fourth and not more than three-fourths of the cost thereof against the property abutting thereon and the remainder of such cost against the city at large.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The City Council of any city is authorized to create lighting districts in the business portions thereof embracing any street or avenue therein or portions thereof and property abutting thereon, for the purpose of lighting such street or avenue, and to require not more than three-fourths and not less than one-fourth of the cost of installing and maintaining such lights to be paid by the owners of the property abutting upon some portion of a street or avenue embraced within such district, including any street or other railway therein, and to assess and collect such portion of such cost by special assessment against said property.

Lighting districts in cities may be created, where and embracing what property.

Cost of installation and maintaining.

Street railroads to be included as property of the district.

Section 2. The portion of the entire cost of erecting and maintaining the posts and of the annual cost of maintaining the lights thereon in such district, not less than one-fourth nor more than three-fourths, as shall be determined by the city council, shall be borne by property embraced within said district abutting upon some portion of the street or avenue within such district to be lighted, each parcel of land so abutting to be assessed in the proportion which the street frontage of each parcel of land bears to the street frontage of the entire district to be lighted; and the owner of any street or other railway upon the street or avenue or portion thereof, within the district, shall be assessed for such part of the entire cost and expense of such installation and maintenance, not exceeding one-sixth thereof, as the City Council may determine.

Not less than one-fourth nor more than three-fourths of cost to be borne by the property embraced in district.

Foot frontage the basis of assessment.

Street railroads to bear not exceeding one-sixth of cost.

Section 3. Whenever it is desired to create a special lighting district in any such city for the purpose of lighting any street or avenue or section thereof in accordance with the provisions of this act, the Council shall by resolution designate the number of such dis-

Duties of city council in establishing such lighting districts.

Resolution.

To designate the proportion of costs to be assessed against abutting property.

Time of hearing objections to resolution.

Publication of resolution to establish district.

Who may appear and oppose creation of district.

District shall not be created when.

After six months proceedings may be again had to create such district covering same territory.

If property owners fail to again object the council will adopt the resolution.

How lighting posts to be procured.

Light to be procured in such manner as the city council may provide.

Proviso.

strict and describe its boundaries, and state therein the character and number of posts to be erected, and the character of the lights to be maintained, an approximate estimate of the cost of such posts and erection thereof, and of the cost of maintenance of such lights for the first year, and the proportion of such cost to be assessed against said abutting property, including such street or other railway, and the time when the council will hear objections to the final adoption of such resolution. Such resolution shall be published in a daily newspaper published in the city for at least five times, or in a weekly newspaper in four issues, the first publication of such resolution shall be made not less than thirty days prior to and before the date set for hearing objections to the final adoption of such resolution. Any owner or agent of any lot or parcel of land or property to be assessed within such district may appear in person or by counsel at said meetings and show cause, if any there be, why the district should not be created and the lights installed and maintained as in this Act provided. If at such meeting objections be made to the creation of such district by owners or agents representing more than one-half of the total number of lineal feet frontage of all the property which would be assessed to defray the cost of such installation and maintenance, the district shall not then be created or at any time thereafter within six months; but after the expiration of six months a resolution for the same or similar purpose covering the same territory may be considered after giving the same notice and pursuing the same proceedings as provided for consideration of the original resolution. If the owners or agents of property affected to the extent provided herein fail to make objections, a majority of all of the members of the council voting in favor of such resolution will finally adopt the same. The City Council may cause the posts required for the maintenance of such lights to be procured and erected by contract, or by the street commissioner, or by any other official of the city, in such way and manner as the city council shall provide; and after such posts have been installed may by contract, in such way and manner as the city council shall elect, cause the lights to be maintained

thereon. Provided, that the posts shall be of uniform size and character and shall be distributed uniformly upon the street or avenue or section thereof to be lighted.

Section 4. It shall be the duty of the city council to make an estimate of the cost of erecting and furnishing said posts and of the cost of maintaining said lights for the first year, and on or before the first Monday in November pass and finally adopt a resolution levying and assessing all of the property embraced within said district with not less than one-fourth nor more than three-fourths of the entire cost of installing and maintaining said lights for the first year; each lot or parcel of land in said district to be assessed for that part of the whole cost which its linear feet in front of or bordering said street, avenue or alley, bears to the total number of linear feet in front of or abutting the streets, avenues, or alleys included within said special district, and levying and assessing against any street or other railway upon such street or avenue or portion thereof included in such lighting district not to exceed one-sixth of the total cost of such maintenance, which proportion shall be determined by the City Council. And said resolution shall contain a list in which shall be described each lot or parcel of land, and any street or other railway with the name of the owner thereof, if known, and the linear number of feet fronting or abutting upon the street or avenue to be lighted or otherwise assessable, and the amount levied thereon set opposite. Such resolution, signed by the Mayor and City Clerk shall be kept on file in the office of the City Clerk, and a notice signed by the city clerk stating that the resolution levying the assessment to defray the portion of the cost of installing and maintaining said lights for the first year, as determined by the city council, is on file in his office subject to inspection for a period of five days, shall be published at least once in a newspaper published in the City. Such notice shall state the time and place at which objections to the final adoption of such resolution shall be heard by the city council, and the time for such hearing shall not be less than five days after the publication of such notice. At the time so fixed the council shall meet

Council to make estimate of cost of procuring and erecting posts and maintaining lights.

Shall levy assessments when.

How property is to be assessed for cost of installing and maintaining said system.

How street railroads are to be assessed for cost of maintenance.

Resolution to contain list of what property.

The amount levied thereon.

Filing of resolution and notice by city clerk.

Publication of notice.

Contents of notice.

Time of hearing objections to resolution assessing property.

Modifying resolution.

Copy of resolution as finally adopted to be delivered to city treasurer.

Notice to owner of amount of assessments.

Lights to be maintained by contract.

Annual cost of maintaining to be estimated.

Annual levy.

Manner of preparing and certifying annual resolution levying costs of maintenance.

Moneys of district to be paid into what fund.

Fund to be used for what purpose.

Assessments and peralties shall be liens against property.

and hear all such objections and for the purpose may adjourn from day to day, and may by resolution modify such resolution in whole or in part. A copy of such resolution as finally adopted, certified by the City Clerk, must be delivered within two days after its passage to the city treasurer, and within five days after the receipt thereof the City Treasurer must by written notice, mailed or otherwise delivered, notify each owner of the property assessed of the amount of such assessment, specifying in the notice the purpose for which the levy is made, and the tax against each lot or parcel of land, and the date when the same becomes delinquent.

Section 5. The lights in each district shall be maintained by contract in such way or manner as the city council shall elect, and it shall be the duty of the city council to estimate, as near as practical, the cost of maintaining such lights each year; and the proportion thereof to be assessed against the abutting or other property, and before the first Monday in November pass and finally adopt a resolution levying and assessing said property within said district with an amount equal to the proportion of the cost of such maintenance so determined to be specially assessed against said property. Said resolution levying and assessing said portion of the cost of maintenance shall be prepared and certified to in the same manner as the resolution provided for in the preceding section, and the same notice and hearing shall be given thereon, and shall be adopted and certified and the assessment collected in the same manner, as near as may be, as in the case of the resolution provided for in the preceding section. All moneys belonging to each district shall be paid into a fund known as "Lighting District No. Maintenance Fund," the number of which shall correspond with the number of the lighting district in which the tax is levied, and such fund shall be used to defray the expense of installing and maintaining the lights in said district and for no other purpose. Any special assessment levied and made for any of the purposes aforesaid, together with all costs and penalties shall constitute a lien upon and against the prop-

erty upon which said assessment is made and levied from and after the date of the final passage of the resolution levying the same; which lien may be enforced as provided in Section 3407 of the Revised Codes of Montana of 1907.

How lien may be enforced.

Section 6. Any mistake in the description of the property or the name of the owner shall not vitiate the liens unless it is impossible to identify the property from the descriptions.

Mistake in description of property or name of owner.

Section 7. All remedies, provisions and means provided by existing laws or by the Ordinances of any city availing itself of the provisions of this Act for the correction of errors or omissions in the adoption of any resolution or proceeding, or in the levy of any assessment, or for the collection thereof, or for the enforcement of any such levy by sale of the property against which any assessment shall be made, or for the redemption of such property from such sale, or otherwise applicable to the administration of this Act shall be available in the administration hereof the same to all intents and purposes as would be the case were such remedies, provisions and means made a part hereof.

Existing remedies, by statutes or ordinances, for correction of errors or mistakes, shall be available and applicable to this act.

Section 8. If, before the creation of any district created under this Act, posts shall have been installed at the expense of any owners of property therein, which posts shall conform in size, character and location to the requirements of the City Council, the City Council may adopt such posts and out of the funds raised under the provisions of this Act to defray the cost of obtaining and installing posts for such district may direct payment for the posts so adopted to the owners thereof. All sums necessary to defray the cost of installing and maintaining the lights in any such district over and above the portions thereof authorized by this Act to be assessed against the property therein shall be paid by the City out of such fund as the City Council shall direct.

Private lamp posts may be adopted by the city and paid for when.

Amount of cost of installing and maintaining lights to be borne by the city at large.

Section 9. If at any time after the creation of any special lighting district a petition shall be presented to the City Council, signed by the owners or agents of more than one-half of the total number of linear

When and how lighting systems may be discontinued.

feet of the property fronting or abutting upon any street or avenue or portion thereof, included within such lighting district, asking that the maintenance and operation of such special lighting system, in such district be discontinued, the City Council shall thereupon, by resolution, provide for discontinuing the maintenance and operation of such lighting system; provided, however, that if the City Council shall have, prior to the presentation of such petition, entered into any contract for the maintenance and operation of such lighting system, such maintenance and operation shall not be discontinued until after the expiration of the contract.

Proviso.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1911.

CHAPTER 99.

An Act to amend Section 4240 of the Revised Codes of Montana of 1907, relating to the powers of cemetery associations and extending thereto the right of eminent domain.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section
4240, Revised
Codes, 1907.

Section 1. That Section 4240 of the Revised Codes of Montana of 1907 be, and the same is, hereby amended to read:

Cemetery
associations.

When they become
incorporated.

Power to exercise
the right of emi-
nent domain.

Section 4240. Whenever such certificate is duly acknowledged and recorded and filed as provided in the last section, the association mentioned therein shall be deemed legally incorporated, and shall have the general powers and privileges of corporations, with the right to sue and be sued and to continue perpetually, and in addition thereto such corporations shall have the right and power to take private property for public use to be used exclusively for a cemetery or place of burial of the dead.

Such power of eminent domain to be exercised under the provisions of Section 7330 to 7355 inclusive of the Revised Codes of Montana of 1907:

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1911.

CHAPTER 100.

"An Act entitled, An Act to establish game preserves for the protection of antelope and deer and other game animals and birds, and providing penalties for the killing of any such animals within such preserves."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the better protection of antelope deer and other game animals and birds, the following described area in the State of Montana, County of Dawson, is hereby set aside and established as a State Game Preserve, to be known as the Snow Creek Game Preserve, to-wit: Beginning at a point in Dawson County, on the east bank of Hell Creek at its intersection with the Missouri River, and extending southward to a point four (4) miles north of the fifth (5th) standard parallel; thence west parallel with said standard parallel fifteen (15) miles; thence due north to the north bank of the Missouri River; thence following the north bank of said river to a point opposite the mouth of Hell Creek; thence across said river to point of beginning.

Snow Creek
game preserve.

Boundaries.

Section 2. There is also hereby established an additional game preserve to be known as the Prior Mountain Game Preserve, located in Carbon County, the boundaries of which are as follows, to-wit: Beginning at the northwest corner of Section twenty-seven (27) township seven (7) south, of range twenty-five (25) East; thence south to the south-west corner of section three (3) township eight (8), south of range twenty-five (25) East; thence east to the southeast corner of section three (3), township eight (8), South of Range twenty-five (25) East; thence south to the southwest corner of section eleven (11), township eight (8), South of range twenty-five (25) East; thence east to the southeast corner of Section eleven (11), township eight (8), south of range twenty-five (25) East; thence south to the southwest corner of section twenty-four (24),

Prior Mountain
game preserve.

Boundaries.

township eight (8) south of range twenty-five (25) East; thence East to the southeast corner of section twenty-four (24), township eight (8) South, of range twenty-five (25) East; thence south to the southeast corner of section twenty-five (25) township eight (8) south of range twenty-five (25) East; thence east to that point which when surveyed will be the southeast corner of section thirty (30), township eight (8) south of range twenty six (26) East, thence south to that point which when surveyed will be the southwest corner of Section thirty-two (32), township eight (8) south of range twenty-six (26), East; thence East to that point which when surveyed will be the southeast corner of section thirty-six (36), township eight (8) south of range twenty-seven (27) East, thence north of that point which when surveyed will be the southwest corner of thirty-one (31), township seven (7), south of range twenty-eight (28) East, thence East to that point which when surveyed will be the southeast corner of section thirty-one (31) township (7), south of range twenty-eight (28) East, thence north to that point which when surveyed will be the northeast corner of section nineteen (19) township seven (7) south of range twenty-eight (28) east, thence west to the northeast corner of section twenty-four (24) township seven (7) south of range twenty-five (25) East, thence south to the southeast corner of section twenty-four (24), township seven (7) south of range twenty-five East, thence west to the northwest corner of section twenty-seven (27) township (7) south of range twenty-five (25) East, and place of beginning."

Unlawful to hunt, trap, kill, capture or chase birds or animals of any kind within limits of game preserve.

Permits may be given for certain purposes.

To be issued by the state game warden.
Fee.

Section 3. It shall be unlawful for any person or persons at any time to hunt, trap, kill, capture, or chase any birds or animals of any kind whatever within the limits of the said State Game Preserve; provided, however, that permits to capture game animals and birds for scientific purposes or for purposes of propagation, and to destroy mountain lions, wolves, foxes, coyotes, wild cats, and mink, may be issued by the State Game Warden on the payment of a fee of five dollars, and in accordance with such regulations as may be established for said preserve by the warden. In order to

carry out the provisions of this Act, the State Game and Fish Warden is hereby authorized to appoint two additional Deputy State Game and Fish Wardens, one of whom shall have charge of the Snow Creek Game Preserve, and the other of the Pryor Mountain Game Preserve, who shall receive the same compensation as is now allowed Deputy State Game and Fish Wardens."

State game and fish warden authorized to appoint two additional deputies, one for each of said preserves.

Compensation.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or shall be imprisoned in the County Jail for a term of not less than thirty (30) days or more than six months, or by both such fine and imprisonment.

Misdemeanor.

Penalty.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 4th, 1911.

CHAPTER 101.

"An Act for the changing of names of any natural stream, water course, spring, dry coulee, creek, river, lake and other natural source of water supply, which lies wholly within the limits of one county."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All application for the change of names of any water course or natural source of water supply, including natural stream, dry coulees, springs, lakes, rivers, or creeks, which lie wholly within the limits of one county, must be made to the district court of the county where the said water course or other natural source of water supply, the name of which is proposed to be changed, or some part thereof, is situated. The petition must state in ordinary and concise language:

Changing of names of water courses, sources and supplies, including dry coulees.

Application to the district court.

(a) A description of the said water course or other natural source of water supply, the name of which is proposed to be changed, identifying the same as near as may be by natural monuments.

What petition must state.

(b) The present name of the said stream or other

natural source of water supply, and the name to which the petitioners desire the same to be changed, together with the reasons for the desired change of name.

Petition must be signed by whom.

(c) The petition must be signed by not less than ten owners of real property abutting upon said water course or other natural source of water supply, or owning water rights upon the same.

Proviso.

(d) The names of all persons or corporations owning real estate abutting upon, or water rights upon the same, whose titles appear of record in the office of the county clerk and recorder in the county in which the said water course or other natural source of water supply, or some part thereof, is situated; provided, however, that the insufficiency of the petition in any of the above respects shall not be held to defeat the jurisdiction of the Court.

Court shall designate paper in which notice of petition shall be published.

Section 2. When such petition is filed in the district court, the court or the judge thereof shall designate some newspaper of general circulation in the county, such as is most likely to give all parties interested notice of the proceedings, and shall order that notice be published therein as hereinafter provided and in his discretion he may require any other and further notice that to him may seem reasonable, and shall fix a time at which objections to the granting of the petition for the change of name shall be heard. A copy of the petition together with a notice of the time set for hearing objections thereto shall be published in the newspaper designated by the court or judge for that purpose, at least once a week for four (4) successive weeks, and such other and further notice of the proceedings shall be given as the court or judge may, in his discretion, require.

May require other notices.

To fix time objections to petition may be heard.

What shall be published.

Time of publication.

When objections may be filed

Hearing of objections.

Section 3. At the time set for hearing, or at any time prior thereto, objections may be filed by any person who can in such objections show to the Court or judge good reason against such change of name. The application and the objections must be heard at such time as the Court or judge may appoint. On hearing, the Court or judge may examine on oath any of the

petitioners, remonstrance, objectors, or other persons touching the application and may make an order changing the name or dismissing the application, as to the Court or judge may seem right and proper.

Section 4. If the change of name be ordered a copy of the judgment duly certified by the Clerk of the Court, shall be filed with the County Clerk and Recorder of the county in which the said water course or other natural source of water supply is situated. And the Clerk of the Court shall annually, in the month of January, make a return to the office of the Secretary of State, of all changes of names made in the District Court of his county under this section.

In case name is changed the judgment shall be filed, where.

Annual return by clerk of the court.

Section 5. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4, 1911.

CHAPTER 102.

An Act to amend Section 899 of the Revised Codes of 1907, relating to the duties and compensation of the clerks of school districts and adding further duties to school district clerks, and providing penalties for the violation thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 899 of the Revised Codes of 1907 be amended to read as follows:

Amending Section 899, Revised Codes, 1907.

"Section 899. 1. The duties of the District Clerk shall be as follows: To attend all meetings of the board of trustees; but if he shall not be present, the board of trustees shall select one of their number as clerk who shall certify the proceedings of the meeting to the clerk of the district, to be recorded by him. He shall keep his record in a book to be furnished by the board of trustees and he shall preserve a copy of all reports made to the County Superintendent and safely preserve and keep all books and documents belonging to his office, and shall turn the same over to his successors.

Duties of the district clerk of school districts.

When board may select one of their number to act as clerk.

Duties.

2. To keep accurate and detailed accounts of all receipts and expenditures of school moneys. At each

Further duties.

Books open for inspection.

annual school meeting the district clerk shall present his record book for public inspection and shall make a statement of the financial condition of the district and of the action of the trustees and such record must always be open for public inspection.

Annual financial statement. Shall make census of all school children in district annually.

3. To make annually between the first day of September, and fifteenth day of October of each year, and exact census of all the children and youth between the ages of six and twenty-one years residing in the district; and shall specify the sex, age and date of birth of such children. He shall take the name of each child, the same to be spelled out in full; the christian and surname of both parents, or guardians, including initials of all middle names, together with the place of residence of said parents or guardians, specified by street and number if living in city or town; or, if living in any other than a city or town, the post office address of said parents or guardians must be given.

Names to be taken.

Census of children under six years.

He shall take specifically and separately a census of all children under the age of six years as in the manner aforesaid. All children under twenty-one years of age who may be absent from home for any cause, shall be included by the district clerk in this census list of the city, town or district in which their parents reside. He shall make a full report thereof on blanks furnished for this purpose, under oath to the County Superintendent within sixty days after the completion of the census and deliver a copy to the school trustees.

Report of census to the county superintendent.

Failure to make such report as specified shall constitute a misdemeanor and shall be punishable by a fine of not less than ten dollars nor more than fifty dollars. For taking the census the district clerk shall be paid by the board of Trustees from the county school money, to the credit of the district in the same manner as other contingent expenses are paid, at a rate not exceeding ten cents for each child's name returned by him. He shall receive such other compensation for other services as may be allowed by the Board of Trustees.

Misdemeanor.

Penalty. Compensation for taking census, how paid.

In case any district clerk shall fail to take the census provided in this act, at a proper time, and if through such neglect the district shall fail to receive its ap-

Compensation for other services.

Liable to the district for damages if he fails to make the census.

portionment of school moneys, said school clerk shall be individually liable to the district for the full amount so lost, and it may be recovered on a suit brought by any citizen of such district in the name and for the benefit of the district.

May be sued.

4. To make annually between the first and twentieth days of August of each year, an exact detailed and itemized statement of all moneys expended by or in behalf of the school district, which statement shall show all disbursements made on behalf of the school district from August first of the preceding year to August first of the current year; it is hereby made the duty of the clerk to file said statement on or before August thirty-first of each year, with the chairman of the Board of Trustees of the District, and a copy thereof with the County Treasurer of the County wherein the district is located, and in all districts disbursing annually amounts exceeding \$10,000.00 and less than \$25,000.00 the clerk shall, and in districts disbursing less than \$10,000.00, annually, may cause to be published in some newspaper in general circulation published in the same county, a copy of said statement for two consecutive issues, such publication to commence not later than the first week of August. It is hereby made the duty of the Board of County Commissioners of each County to designate the newspaper in which such publication shall be made.

Annual statement to be made in August of each year.

What statement shall show.

To file statement when.

Copy to be filed with the county treasurer.

Publication of annual statement.

County commissioners shall designate paper.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1911.

CHAPTER 103.

An Act to amend Section 3342 of the Revised Codes of Montana for 1907, relative to levy of taxes by municipalities and providing for a tax levy by municipalities of not exceeding two mills of the assessed valuation of taxable property in city or town for maintaining public parks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3342 of the Revised Codes of Montana for 1907, be, and the same is amended to

Amending Section 3342. Revised Codes, 1907.

read as follows:

Amount of tax for
general municipal
purposes which
may be levied.

Distribution of
funds by council.

Amount of levy
for park purposes.

Repealing clause.

"Section 3342. The amount of taxes to be assessed and levied for general municipal or administrative purposes, must not exceed one per centum on the assessed value of taxable property of the city or town, and the council may distribute the money collected into such funds as are prescribed by ordinance, provided that for the purpose of maintaining public parks, the council may assess and levy in addition to said one per centum, not exceeding two mills on the dollar, on the assessed value of the taxable property of the city or town."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approval March 6, 1911.

CHAPTER 104.

"An Act to Amend Sections 4092 and 4106 of the Compiled Codes of the State of Montana, Relating to Mutual Rural Insurance Companies."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4092 of the compiled Codes of Montana be amended so as to read as follows:

Amending Section
4092, Revised
Codes, 1907.

Number and qual-
ification of persons
who may form a
mutual rural in-
surance company.

"Section 4092. Any number of persons, not less than twenty-five, who collectively shall own, in any county or counties, which are adjoining and adjacent to each other in this state, property of the value of twenty-five thousand dollars, which they desire to have insured, may form a corporation, under the provisions of this act, for the purpose of insuring the property of the members, situate within the counties where the operation of the corporation are to be carried on, against loss or damage by fire, or the elements of any such agencies as may be specified in the articles of incorporation.

Section 2. That section 4106 of the compiled codes of Montana be amended so as to read as follows:

Amending Section
4106, Revised
Codes, 1907.

Property which
company cannot
insure.

"Section 4106. No company organized under the provisions of this act shall insure any property not sit-

uate within the county where its operations are to be carried on; provided that if any company organized under the provisions of this act, shall have any number of persons who are members of such company who live in and reside in adjacent and adjoining counties within such county, may insure any property situate within the adjoining and adjacent counties thereto. Proviso.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1911.

CHAPTER 105.

"An Act to provide for the Inspection of Steam Boats, and all other Boats propelled by Machinery, Sailing craft, Ferry Boats and Boats carrying passengers or freight for hire on any of the navigable waters of the State of Montana, to provide for their inspection and for the appointment of an Inspector of Boats, to define his duties, to provide for his compensation and to provide sailing rules for all such Boats, and for the general superintendence and control of navigation by the State Board of Railroad Commissioners, and providing a penalty for the violation of any of the provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. The Railroad Commission of the State of Montana shall appoint some suitable person, Inspector of Steam Vessels, other Boats propelled by machinery, Sailing Craft and all Ferry Boats on any of the navigable waters of the State of Montana. Said Inspector shall have a practical knowledge of such boats and vessels and ferry boats as ply in navigable waters of the State of Montana, and who is experienced in the construction and familiar with the safety appliances of all such boats and their appurtenances. Railroad commission shall appoint an inspector of water crafts.

Section 2. Said Inspector shall annually or as often as the Board of Railroad Commissioners may order, inspect every steam boat or other boat propelled by Qualification of inspector.

Annual and other inspections to be made.

Inspector shall fix the number of passengers and tonnage of freight vessel may carry.	machinery or sailing boat or ferry boat carrying passengers or freight for hire or towing for hire, and shall examine carefully the hull of said boats and their equipment, and require such changes, repairs and improvements to be adopted and used as he may deem expedient for the safety of all such boats. He shall also fix the number of passengers that may be transported upon any boat; he shall likewise fix the number of tons of freight that may be carried upon any such boat, barge or ferry boat. He shall, whenever he deems it expedient to do so, visit any of such boats and examine into her condition or their condition for the purpose of ascertaining whether such boat or boats has a certificate from the Railroad Commission, and whether said boats are comfortable to and obeying the conditions imposed by this Act and by the Railroad Commissioners. The owner, master, pilot and captain or engineer of such vessel or boat shall answer all reasonable questions and give all information in his or her possession in regard to said boat or boats, or any of them, concerning their machinery and the manner of managing said boat. The said Inspector shall examine all life saving appliances and life boats carried on any of such vessels, steam boats or other boats propelled by machinery as well as all ferry boats. The said Inspector shall examine the captains and pilots of all such boats and vessels to determine under this Act their proficiency in the handling of such boats. The said Inspector shall report the condition of all such boats, life saving appliances and life boats to the State Railroad Commission.
Power and duty to visit and examine boats.	
Answer to questions by owner and persons in charge of boats.	
Examination of life saving appliances and boats.	
Examination of pilots and captains.	
Reports of inspectors.	
Shall have access to all such boats and free transportation.	Section 3. Said Inspector shall at all times have free access to any and all of such boats and parts thereof, and shall have free transportation thereon for the purpose of making such inspection.
Railroad commissioners to issue license to boats, when.	Section 4. Said Inspector shall report all of his findings to the Railroad Commissioners of the State of Montana, which said Commission shall thereupon, if in its opinion said boats shall be sea-worthy and safe for the carrying of passengers and freight, issue to such boat a license or permit to engage in the business of navigation on any of the navigable waters of the State of Montana and shall likewise issue licenses to any
License to pilots and captains.	

captain or pilot of said boat, if in its judgment said captain or pilot is qualified for the duties imposed upon him by the provisions of this Act; and said commission shall issue all rules and regulations, that may be in its judgment, necessary for the safe navigation of all steam boats and all boats propelled by machinery, sailing boats and ferry boats navigating on any of the navigable waters of this State and carrying passengers or freight for hire.

Rules and regulations.

Section 5. No greater number of passengers shall be transported upon any licenced boat, steam boat or other boat propelled by machinery or sailing boat or ferry boat than the number allowed in the certificate to such boat, vessel, steam boat, or other boat propelled by machinery or sailing boat or ferry boat, and any captain, pilot, owner or engineer of such boat who shall violate any of the provisions of this Section shall be guilty of a misdemeanor and will be punished accordingly.

Number of passengers that may be carried.

Violation of any of the provisions of this act a misdemeanor.

Section 6. All steam-boats to which this Act shall apply shall be so constructed that all wood-work about the boiler, smoke-stack, fire boxes, chimneys, cook-houses, stoves and stove pipes exposed to ignition shall be so shielded by some incombustible material that the air shall circulate freely between such materials and woodwork or other ignitable substance, and before granting the certificate of inspection the Railroad Commission shall require that all necessary provisions be made as it may deem expedient to guard against loss or damage by fire.

Fire protection in construction of all boats required before a license shall be issued.

Section 7. The following rules shall be observed in navigating steam vessels, steam boats, and all other boats propelled by machinery, and sailing craft, on any of the navigable waters of the State of Montana affected by the provisions of this Act:

Rules of navigation prescribed.

Rule 1. All steam boats or other boats propelled by machinery shall be equipped with either steam or compressed air whistles.

Whistles.

Rule 2. When two boats are meeting, end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

Course to be taken in "end on" meetings.

Boats crossing
involving risk of
collision.

Rule 3. When two boats are crossing so as to involve risk of collision, the boat which has the other on her starboard shall keep out of the way of the other.

Power boats and
sailing boats
traveling in same
direction, duty of
power boat.

Rule 4. When a steamboat or boat propelled by machinery and sailing boat are proceeding in the same direction so as to involve risk of collision, the boat propelled by machinery shall keep out of the way of the sailing craft.

Course of boat
having right-of-
way.

Rule 5. When by any of these rules one of the two of the vessels is to keep out of the way, the other shall keep her course and speed.

When boats shall
slacken speed or
stop to avoid col-
lision.

Rule 6. Every boat propelled by machinery under way and approaching another boat or vessel of any kind so as to involve a risk of collision, shall slacken her speed, or if necessary, shall stop and reverse her engine, and every boat propelled by machinery, shall, when in a fog go at a moderate speed.

Speed in fog.

Rule 7. Any boat propelled by machinery overtaking another boat propelled by machinery shall keep out of the way of the last named boat.

One boat overtak-
ing another.

Signal to be
given by power
boats traveling in
same direction
desiring to pass
other boat.

Rule 8. When two boats propelled by machinery are going in the same direction and the stern boat wishes to pass the other, she shall signal the forward boat of her intention to pass on the port side by two distinct whistles, and to pass on her starboard side by one distinct whistle, which shall be answered by the forward boat by the same number of whistles, and the forward boat shall keep on her course as if no signal had been given.

Answer signal of
forward boat.

Signals to be
given by approach-
ing steamer or
other power boats
safely on star-
board of each
other.

Rule 9. When two steam-boats or other boats propelled by machinery are approaching each other, and if the course of such boats is so far on the starboard side of each other as not to be considered by the pilot as meeting end on or nearly so, or if such boats are approaching each other in such a manner that passing is not as in Rule 2, being deemed unsafe, the pilot of one boat shall give two short and distinct blasts of his whistle, which the pilot of the other boat shall answer by two blasts of his whistle, and they shall pass to the left (on the Starboard side) of each other.

Shall pass on the
left or starboard
side.

Rule 10. Steam boats or other boats propelled by machinery approaching each other at not less than 300 yards distance from each other shall give a signal with one loud distinct whistle.

Signals to be given by approaching boats within 300 yards of each other.

Rule 11. When two steam-boats or other boats propelled by machinery are approaching each other and the pilot of either boat fails to understand the course or intention of the other, whether from signals being given or answered erroneously or from other causes, the pilot so in doubt shall immediately signify the same by giving several short blasts of his whistle and if the boats shall have approached within 500 yards of each other, both shall immediately slow up to a speed barely sufficient for steerage or until the proper signals are given, answered and understood or until the boats have passed each other.

When signals are not understood by approaching boats.

Both to slow up.

Rule 12. When a steam boat or other boat propelled by machinery is in a fog or is in thick weather, it shall be the duty of the pilot to cause a long blast of the whistle to be sounded at intervals of not to exceed one minute.

Fog and thick weather signals.

Rule 13. Signals of distress shall be four blasts of the whistle and shall be recognized by the master, of any steam-boat or other boat propelled by machinery hearing the same and he shall render such assistance as is in his power.

Signals of distress.

Duty to render assistance.

Rule 14. Any steam boat or other boat propelled by machinery landing at a wharf or dock shall have the right to such wharf or dock for a period of five minutes. If detained at the wharf or dock for a longer period than five minutes the steam-boat or other boat propelled by machinery already at the wharf shall allow another steam boat or other boat propelled by machinery to land along side and discharge her passengers and freight over her deck for at least ten minutes and thereafter until the first steam boat or other boat propelled by machinery shall leave said wharf or dock.

Boats landing at wharf or dock.

Duty of boats detained at wharf or dock.

Rule 15. In the construing of these provisions due regard must be had for all of the dangers of navigation and to any special circumstance which may render a departure therefrom necessary in order to avoid immediate danger.

Rule of construction.

Departure from under special circumstances and necessity.

Sailing vessel
defined.

Rule 16. Every steam-boat or other boat propelled by machinery which is under sail and not under steam is to be considered a sailing vessel and any or every vessel under steam or propelled by machinery whether under sail or not, is to be considered a steam vessel.

Steam vessel
defined.

Rule 17. All steam boats and other boats propelled by machinery licensed under the provisions of this Act or article shall conform to and obey such other Rules and Regulations not inconsistent herewith as the Board of Railroad Commissioners may direct.

Duty of steam
boats regarding
other rules pre-
scribed by railroad
commission.

Duty of steam
boats to preserve
and post copies of
this section.

Rule 18. Every steam-boat or other boat propelled by machinery on the navigable waters within the jurisdiction of this State shall have two copies of this section framed. One to be posted in the pilot house and the other to be hung in a conspicuous place on the vessel for the inspection of passengers.

Lights to be car-
ried by steam and
other power boats
at night.

Section 9. The master, owner, pilot or other person in charge of a steam-boat, or other boat propelled by machinery or sailing craft when navigating any of the waters of this State, shall between sunset and sunrise cause said boats to carry the following lights: First: at the foremast head, a bright white light of such a character as to be visible on a dark night, in a clear atmosphere at a distance of at least two miles and so constructed as to show a uniform and unbroken light over an arc of the horizon to twenty points of the compass and be so fixed as to show the light ten points on each side of the vessel, namely; from right ahead to two points abaft the beam on either side; Second: On the starboard side a green light of such a character as to be visible on a dark night with a clear atmosphere, at a distance of at least two miles and be so construed as to show a uniform and unbroken light over an arc of the horizon to ten point of the compass and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. Third: On the port side a red light of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles and so constructed as to show a uniform and unbroken light over an arc of the horizon to ten points of the compass and so fixed as to throw the light from right ahead to two points abaft

At foremast head.

Starboard light.

Port side light.

the beam on the port side. The red and green lights shall be fixed with screens so as to prevent them from being seen from the rear.

Rear screens on red and green lights.

Section 10. Every steam boat or other boat propelled by machinery carrying passengers or freight for hire shall be provided with a force pump or an equivalent apparatus for throwing water and the same shall be at all times during the navigation of such boat kept ready for use. Such pump shall be of suitable size and construction to use either in extinguishing fires or pumping water out of the boat and shall be approved by the Board of Railroad Commissioners.

Power boats to carry force pump.

Size and construction of pump.

Section 11. Every steam boat or other boat propelled by machinery and sailing craft or ferry boat affected by the provisions of this Act shall carry on her deck, hung from davitts or towed astern such life boats or other boats as shall be ordered by the Board of Railroad Commissioners, and every Captain shall order and hold a practice drill for lowering of life boats at least once every week.

Life and other boats to be carried.

Practice drill for lowering life boats.

Section 12. Every steam-boat or other boat propelled by machinery used in the transportation of passengers and freight for hire shall have a life preserver for each passenger and she shall also carry one for each of her crew. Such life preservers shall be made of good-sound cork blocks, easily adjusted to the body with belts and straps properly attached and so constructed as to pass the cork under the shoulders and around the body of the person wearing the same. Each life preserver shall contain at least six pounds of good cork having a buoyancy of at least four pounds to each pound of cork. It shall be the duty of the inspector and of the Railroad Commission to satisfactorily ascertain that every life preserver is as herein required. All such life preservers shall be kept in a convenient place, accessible in case of accident, in readiness for immediate use and the places where same are kept shall be designated in the Railroad Commission certificate and pointed out by printed notices posted in such places as the Railroad Commission may direct.

Number of life preservers to be carried.

Quality and kind of life preservers required.

Duty of inspector and railroad commission regarding life preservers.

Places where life preservers shall be kept.

Duty of state
boiler inspector.

Section 13. The State Boiler Inspector shall inspect all steam boilers in each of the steam boats within the state.

Names of steam
and other power
boats: when and
how printed.

Section 14. Every steam boat or other boat propelled by machinery or sailing craft subject to the provisions of this Act, shall have her name printed on her stern in either black, yellow, or red letters of not less than three inches in length.

When boat is
deprived of
licensed officer:
duty of state rail-
road commission.

Section 15. If any boat subject to the provisions of this Act shall be deprived of the services of any licensed officer without the consent, fault or collusion of the master, owner or person interested in such boats, the Board of Railroad Commissioners shall be notified and the deficiency may be temporarily supplied until the services of a licensed officer can be obtained.

Duty of owner to
pay inspection
fees.

Section 16. The owner of every steamboat or other boat propelled by machinery, sailing or ferry boat subject to the provisions of this Act shall pay the inspector for the inspection of such boats as follows, to-wit: For each boat under ten tons burden Ten Dollars, for each boat over ten tons burden and under twenty tons burden fifteen dollars, for each boat over twenty tons and under fifty tons burden twenty dollars, for over fifty tons and under one hundred tons burden twenty-five dollars and all over a hundred tons burden thirty dollars. For each ferry boat ten dollars and for each barge ten dollars.

Inspection fees.

License fees.

Section 17. For every license granted under the provisions of this Act there shall be charged and collected from the person or boat receiving such license or certificate the sum of five dollars, which said license shall remain in full force for one year from the date thereof.

Compensation of
inspector.

Section 18. The Inspector shall receive for all services performed by him under the supervision of the Railroad Commission, in full for such services as Inspector the fees required to be paid for the license and certificate issued and for the inspection of such boats, and no other or further fees. The fees for inspection shall be paid at the time of the inspection. All fees for licenses shall accompany the application for

When fees shall
be paid.

Fees returned
where license
not issued.

such license and in case such license is not issued, the fees shall be returned to the applicant.

Section 19. It is hereby made the duty of the Board of Railroad Commissioners to enforce the provisions of this Act and said Railroad Commissioners shall have the jurisdiction to make all needful rules providing for the safety of all passengers and freight traveling upon the navigable waters of this State, provided that such rules are within the provisions of this Act.

Duty of railroad commission to enforce provisions of act.

Power to make rules and provide for safety of passengers and freight.

Section 20. It shall be unlawful for any person or persons to operate any steam-boat or other boat propelled by machinery, sailing craft or ferry boat, or engage in the business of the navigation of boats without first complying with the provisions of this Act.

Unlawful to operate boats before complying with requirements of this act.

Section 21. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined in any sum not exceeding Three Hundred (\$300.00) Dollars, or imprisoned in the County Jail not exceeding six (6) months.

Violations of this act a misdemeanor.

Penalty.

Section 22. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 23. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1911.

CHAPTER 106.

"An Act to Establish the Office of Clerk of the Montana State Fish Commission and Clerk to the Director of the State Fish Hatchery, and Providing for the Appointment of Mrs. Charles B. Peyton as such Clerk of the Montana State Fish Commission and Clerk to the Director of the State Fish Hatchery, for the Term of Four Years, and Providing for the Salary of such Officer, and Defining the Duties of such Officer and Appropriating Money out of the Fish and Game Fund for the Payment of such Salary."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby created the office of Clerk of the Montana State Fish Commission and Director of the State Fish Hatchery.

Office of clerk of the state fish commission and director of state fish hatchery.

Mrs. Charles B. Peyton appointed to the office.

Salary and term of office.

Duties of clerk.

Appropriation out of fish and game fund.

Repealing clause.

Section 2. That Mrs. Charles B. Peyton is hereby appointed to such office for the term of four years, at an annual salary of Twelve Hundred (\$1200.00) Dollars, to be paid in equal monthly installments.

Section 3. That the duties of such officer shall be to act as Clerk of the Montana State Fish Commission and to act as Clerk to the Director of the State Fish Hatchery, and to perform such duties as such Clerk of the Montana State Fish Commission and Clerk to such Director of the State Fish Hatchery as may be prescribed by the Montana State Fish Commission.

Section 4. There is hereby appropriated for the years 1911 and 1912, out of the Fish and Game Fund, the sum of Twenty-four Hundred Dollars (\$2400.00) or so much thereof as may be necessary to pay the salary of such officer.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1911.

CHAPTER 107.

An Act providing for bonding fire districts in unincorporated cities and towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Fire districts in unincorporated cities and towns.

Board of directors may submit to the electors the proposition of issuing bonds, when.

Limit of amount of bonds.

Interest bonds may bear.

May be issued for what purposes.

Section 1. The board of directors of any duly organized fire district in unincorporated cities or towns within this state shall, whenever a majority of the directors so decide, submit to the electors of the district the question whether the board shall be authorized to issue coupon bonds to a certain amount, not to exceed three per cent of the taxable property in said district, and bearing a certain rate of interest not exceeding six per cent per annum, and payable and redeemable at a certain time, for the purpose of purchasing fire equipment, necessary lands, erecting buildings for fire purposes and establishing pipe lines. No such bonds shall be issued unless a majority of all the votes cast at any such election shall be cast in favor of such issue.

Section 2. Such election shall be held in the manner prescribed for the election of fire directors. The ballots shall be in form as follows:

Manner of holding election.

"Shall bonds be issued and sold to the amount of dollars and bearing not to exceed.....% interest and for a period not to exceed.....years, for the purpose of purchasing fire equipment, necessary lands, erecting buildings for fire purposes, and establishing pipe lines?"

Form of ballot.

Bonds, Yes?

Bonds, No?

The elector shall prepare his ballot by crossing out thereon parts of the ballot in such a manner that the remaining part shall express his vote upon the question submitted. If a majority of the votes cast at such election are Bonds "Yes", the Board of Directors shall issue such bonds in such form as the board may direct, and they shall bear the signature of the President of the Board of Directors, and shall be signed by the Secretary of the said Fire Districts; and the coupons attached to the bonds shall be signed by the said President and Secretary, provided, a lithographic or engraved fac-simile of the signature of the President and Secretary may be affixed to coupons only, when so required in the bonds, and the corporate seal of the Fire District shall be attached to each of the bonds; and each bond so issued shall be registered by the County Treasurer in a book provided for that purpose, which shall show the number and amount of each bond and the person to whom the same is issued or sold; and the said bonds shall be sold by the fire directors as hereinafter provided.

How elector to prepare his ballot.

When bonds may be issued.

Form of bonds.

Signature on coupons.

Corporate seal to be attached to bonds.

Registration of bonds.

Section 3. The fire directors shall give notice by advertisement in some newspaper published in this state, for a period of not less than four weeks to the effect that the said fire directors will sell said bonds (briefly describing the same) and stating the time when, and place where, such sale will take place: Provided, That the said bonds shall not be sold for less than their par value, and that the said directors are authorized to reject any bids, and to sell said bonds at private sale, if they deem it for the best interest of the

Notice of sale of bonds and publication thereof.

Proceeds of sale
of bonds.

district; and all moneys arising from the sale of said bonds shall be paid forthwith into the treasury of the county in which such district may be located to the credit of said district, and the same shall immediately be available for the purpose authorized by this title; Provided, That no such bonds shall be delivered by the board of directors unless the moneys therefor have been paid into the county treasury.

Bonds not to be
delivered until
when.

Faith of the
district pledged.

Section 4. The faith of each fire district is solemnly pledged for the payment of the interest and redemption of the principal of the bonds which shall be issued under the provisions of this title. And for the purpose of enforcing the provisions of this title, each fire district shall be a body corporate, which may sue and be sued by or in the name of the board of fire directors of such district.

Each fire district
shall be a body
corporate, with
what powers.

Tax to be levied.

Section 5. The fire directors of each district shall ascertain and levy annually, the tax necessary to pay the interest when it becomes due and a sinking fund to redeem the bonds at their maturity; and said tax shall become a lien upon the property in said fire district, and be collected in the same manner as other taxes for fire purposes.

Tax to become
a lien.

Collection of.

County commis-
sioners to levy
the tax, when.

Section 6. The county commissioners, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term, high enough to pay such annual interest, and to pay annually, a portion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and divide it by the number of years said bonds have to run; and all money so levied, when collected must be paid into the county treasury to the credit of such district, kept in a separate fund and be used for the

Amount of tax.

How amount of
annual levy shall
be determined.

Money collected
must be paid to
county treasurer
to credit of
district.

payment of principal and interest on said bonds, and for no other purpose.

a. Provided, That the board may with the surplus of such sinking fund, when the same shall be one thousand dollars or more, purchase any of the outstanding bonds issued by the board. Such purchase shall be made at the lowest price such bonds can be purchased at, but at no more than par value of such bonds; and whenever there shall be such a surplus of sinking fund amounting to the sum of one thousand dollars, the board shall purchase therewith like bonds on the same terms and conditions as hereinbefore specified.

b. If for any reason such bonds cannot be purchased as hereinbefore specified, such sinking fund shall be invested by the treasurer under the direction of the board of directors, at such times as the board shall direct, in the interest-bearing bonds of the United States or of the state of Montana, which shall be purchased at the lowest market price. Interest accruing upon such bonds shall be invested in the same manner and for the same purpose as sinking fund. Such bonds shall be held by the treasurer until the principal of any bonds issued by the board of directors shall become due, and shall be sold at the highest market price, and the proceeds applied to the payment of bonds; Provided further, That if at any time the board shall deem it best, it shall be lawful to sell such bonds for the purpose of purchasing the bonds issued by such board; but all such sales shall be at the highest market price, and the bonds of the board purchased with the proceeds of such sale shall be purchased at the lowest price they can be obtained for, and not above the par value of such bonds; Provided further, That the bonds first maturing shall be purchased, if they can be purchased, on terms as favorable to the board as others offered for sale to the said board. All bonds of the said board purchased under the authority hereby given, or paid by the board, shall be forthwith canceled as provided in the next succeeding section.

Section 7. When the sum in said sinking fund shall equal or exceed the amount of any bond then due, the county treasurer shall give notice to each bond holder,

When board may purchase outstanding bonds with surplus.

Price which may be paid.

Must purchase other bonds, when.

When sinking fund may be invested, and in what securities.

Interest upon investments.

When securities to be sold to pay district bonds due.

Securities to be sold at highest market price.

Price at which district bonds may be purchased.

Order of purchase.

Cancellation of purchased bonds.

Notice to be given by county treasurer to bondholders that he will redeem bonds.

When interest on
bonds shall cease.

When and how
county treasurers
shall cancel bonds.

Further provision
regarding invest-
ment of sinking
funds.

Payment of inter-
est by county
treasurer.

Printing of bonds
and coupons.

Felony for any
fire district to fail
or refuse to pay
any proceeds of
sale of bonds into
the county
treasury.

Penalty.

if known to him and shall post in his office a notice that he will, within thirty days from the date of such notice, redeem the bonds then payable, giving the numbers thereof, and preference shall be given to the oldest issue; and if at the expiration of the said thirty days the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon shall cease; but the treasurer shall at all times thereafter be ready to redeem the same on presentation, and when any bonds shall be so purchased or redeemed, the county treasurer shall cancel all bonds so purchased and redeemed by writing across the face of such bond or bonds, in red ink, the word "Redeemed" and the date of such redemption; Provided, That, whenever in the judgment of the board of fire directors and prior to the redemption of said bonds said board shall deem it advisable and for the best interests of the fire district to invest said sinking fund or any part thereof, the board may by an order entered upon their minutes direct and require the county treasurer to invest said sinking fund or any part thereof in state or county bonds or warrants until such redeemable period.

Section 8. The county treasurer shall pay out of any moneys belonging to a fire district the interest upon any bonds issued under this title by such district when the same shall become due, upon the presentation at his office of the proper coupon which shall show the amount due, and the number of the bond to which it belonged; and all coupons so paid shall be reported to the fire directors at their first meeting thereafter.

Section 9. The fire directors of any district shall cause to be printed or lithographed, at the lowest rates, suitable bonds, with the coupons attached, when the same shall become necessary, and pay therefor out of any moneys in the county treasury to the credit of said fire district.

Section 10. If any of the fire directors of any district shall fail or refuse to pay into the proper county treasury the money arising from the sale of any bonds provided for by this title, they shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state penitentiary for a

term of not less than one year nor more than ten years.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1911.

CHAPTER 108.

"An Act To Permit Railroad Companies To Carry Free, Or At Reduced Rates, Persons And Property in Certain Cases."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That nothing in the provisions of Chapter 4 or 5, Title VIII, of the Political Code, Revised Codes of Montana of 1907, or in any of the other provisions of the laws of Montana, shall be construed to prevent, or shall prevent, the carriage or storage or handling of property free, or at reduced rates, for the Government of the United States, or of the State of Montana, or the owner or owners of any Fish Hatchery, within this State, or of any anglers' association organized and existing therein, whenever such property is being used for the exclusive purpose of stocking or planting with fish or fish eggs the waters within the State of Montana; and nothing therein shall be construed to prevent, or shall prevent, the issuing of free transportation to, or the free carriage of, or selling tickets at reduced rates to, any and all persons while actually engaged in transporting fish or fish eggs for stocking or planting the waters of this state with such fish or fish eggs.

Nothing in the laws of the state shall be construed to prevent the carriage or storage of property named free or at reduced rates.

Free transportation and reduced rates to certain persons.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6th, 1911.

CHAPTER 109.

"An Act to amend Section 2065 of the Revised Codes of Montana of 1907 as amended by an Act, entitled "An Act to Amend Section 2065 of the Revised Codes of Montana, of 1907, Providing Suitable Burial for deceased Soldiers, Sailors and Marines", approved March 4, 1909, and to amend Section 2067 of the Revised Codes of Montana, 1907, providing Suitable Burial for Deceased Soldiers, Sailors and Marines."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section
2065, Revised
Codes, 1907, as
amended by
Section 1, Chapter
89, Laws 1909.

Section 1. That Section 2065 of the Revised Codes of Montana, of 1907 as amended by an Act entitled "An Act to amend Section 2065 of the Revised Codes of Montana, of 1907, providing Suitable Burial for deceased Soldiers, Sailors and Marines", approved March 4, 1909, and Section 2067 of the Revised Codes of Montana, 1907, Providing Suitable Burial for Deceased Soldiers, Sailors and Marines, be amended to read as follows:

Burial of honor-
ably discharged
soldiers, sailors
or marines.

Duty of county
commissioners.

Not to be buried
in potter's fields.

Limit of expense.

Duty of persons
appointed to bury
body.

Report to clerk of
board of county
commissioners.

"Section 2065. That it shall be the duty of the Board of County Commissioners of each County in this State, to designate some proper person in the County, whose duty it shall be to cause to be decently interred, the body of any honorably discharged soldier, sailor or marine, who shall have served in the Army or Navy of the United States, who may hereafter die. Such burial shall not be made in any burial grounds or cemetery, or in any portion of such burial grounds or cemetery, used exclusively for the burial of pauper dead. Provided, the expense of each burial shall not exceed the sum of One Hundred (\$100.00) Dollars.

"Section 2067. It shall be the duty of the person appointed as provided in Section 1 of this Act, to cause such deceased person to be buried as provided in this Act, and he shall immediately report his action to the Clerk of the Board of County Commissioners, setting forth all the facts, together with the name, rank or command, so far as is known, to which the deceased belonged, as such soldier, sailor or marine. The date of death, place of burial, and his occupation while living, and also an itemized statement of the expenses in-

curred by reason of such burial.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6th, 1911.

CHAPTER 110.

*An Act Defining The Term 'Itinerant Vendors', To Regulate The Licensing Of Same, To Fix The Amount Of Such Licenses, To Provide Penalties For The Violation Of Such Regulation And For Other Purposes."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, company or corporation, who at temporary quarters sells or offers or exhibits for sale any goods, wares or merchandise, and every person who travels about from place to place and transports by any mode of conveyance and sells, offers or exhibits for sale any goods, wares or merchandise, and every person who personally solicits orders for the future delivery of any goods, wares or merchandise, either by or without sample, including peddlers and hawkers, is an itinerant vender within the meaning of this Act; Provided, however, that this section shall not apply to wholesale dealers selling to dealers or merchants, nor shall it apply to any person or the representative of any person, company or corporation, doing business at a fixed place of business and taking orders for the future delivery of any goods, wares or merchandise, kept at or in connection with and handled through such fixed place of business, nor shall it apply to the sale of books, papers or school supplies or the sale of any fruits, vegetables, meats or other farm produce when sold by the grower or producer thereof.

Itinerant vender defined within the meaning of act.

Act not to apply to certain dealers or their representatives.

Not to apply to sale of certain goods.

Section 2. A "person, company or corporation doing business at a fixed place of business", within the meaning of this Act, is any person, company or corporation who keeps, offers or exposes for sale to the general public, in a building of permanent nature any goods, wares or merchandise of any description; Provided,

Definition of "a person, company or corporation doing business at a fixed place of business."

Persons, companies and corporations not included in definition.

however, that this definition must not be construed as including any person, company or corporation keeping any goods, wares or merchandise, or transacting any such business in any rented apartment or apartments, in any hotel, boarding house, lodging house, or private residence, or in any other building or structure not designated for or commonly used as a store or shop.

Itinerant vendors shall procure license before commencing to do business.

Section 3. Every person, company or corporation desiring to do business in any County in this State as an itinerant vendor must, before commencing such business, obtain a license from the Treasurer of such County, for which he shall pay as follows:

License.

If such itinerant vendor travels on foot and sells, offers or exhibits for sale only such goods, wares or merchandise as he carries upon his person, the sum of Twelve Dollars and Fifty Cents, (\$12.50) per Quarter.

Of those carrying his wares upon his person.

Of those carrying his wares in any other manner.

If such itinerant vendor travels or carries and sells, or offers or exhibits for sale any goods, wares, or merchandise, by any other mode than walking and carrying such goods, wares or merchandise upon his person, the sum of One Hundred Dollars, (\$100.00) per Quarter.

Application to obtain license.

Section 4. Any person, Company or corporation desiring to obtain a license under the provisions of this Act must file with the County Treasurer of each County in which he desires to do business an application in writing, subscribed and sworn to by such applicant before an officer in this State authorized to take oaths, which application shall set forth the name of the applicant, his residence and principal place of doing business, the business for which he asks the license; whether he is acting as principal, or as agent, and if acting as agent, the name and place of business of his principal, and such applicant must at the time of filing such application as above provided, pay to the County Treasurer with whom such application is filed, the sum specified in Section three hereof as a Quarterly license for conducting and transacting such business.

What application shall contain.

Must pay license fee at time of making application.

County treasurer shall issue license when.

Section 5. Upon filing of the application required by Section four of this Act, in proper form, and upon the payment to him of the sum required by Section three

of this Act, the County Treasurer shall issue to such applicant a license to carry on the business described in such application, in the County in which such license is so issued, for the period of three months from and after the first day of the month in which such license is so issued, which license shall be non-transferable, and shall have printed across the face thereof in large letter the words "Non-Transferable."

Life of license.

License "non-transferable."

The County Treasurer shall indorse upon each application the date of issuance of the license, and shall file such application, with the County Clerk and Recorder of his County, who shall file the same and keep an appropriate index thereof, which shall show the date filed, the name of the applicant, his address and the business for which the license is issued, and an appropriate reference to the file number and the number of the file box in which said application may be found. Such Index and such application shall be open to the inspection of any person during the regular office hours in the County Clerk's Office:

Further duties of county treasurer.

Duty of county clerk.

What index shall show.

Index open to inspection.

Section 6. Every such itinerant vendor doing business under the provisions of this Act must, upon demand of any citizen of this State, exhibit his license and permit the same to be then and there read by the citizen making such demand; and any such itinerant vendor who shall willfully refuse or fail to exhibit his license as above provided is guilty of a misdemeanor, and shall be fined not less than Ten Dollars, (\$10.00), nor more than Twenty-Five Dollars, (\$25.00) for each offense.

Itinerant vendor shall exhibit license when.

Failing or refusing to exhibit license a misdemeanor.

Penalty.

Section 7. Every itinerant vendor as herein defined, doing business without first obtaining a license in any case where a license is required by this Act, is guilty of a misdemeanor, and shall be punished as provided in the Penal Code.

Doing business without a license a misdemeanor.

Section 8 Nothing in this Act contained is intended to operate so as to interfere with the power of the Congress of the United States to regulate commerce between the States as such power is defined by the Supreme Court of the United States.

Act not intended to interfere with regulation of commerce between the states.

Section 9. All acts and parts of Acts in conflict or inconsistent herewith are hereby repealed.

Repealing clause.

Section 10. This Act shall be in force from and after its passage and approval.

Approved March 6, 1911.

CHAPTER III.

"An Act providing for the examination by the State Examiner of all unincorporated banks doing business within the State of Montana; prescribing the duties of the State Examiner in relation thereto, and providing penalties for the violation of the provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful for individual bankers or unincorporated banking associations to do business in state unless the name of at least one actual or responsible member of association appears in name under which business is conducted or is known.

Other designations in addition to such name.

Minimum required worth of such individual bankers or association before receiving money on deposit in the different size cities or towns.

Financial condition shall appear on the books of the bank.

Section 1. It shall be unlawful hereafter for any person or persons in any wise to conduct a commercial banking business, or a banking business of discount and deposit, within the State of Montana in the capacity of an individual or of a co-partnership or of an unincorporated association unless the name under which such bank is known and conducted shall contain the name of such individual, or the name of at least one actual and responsible member of such co-partnership or association, in addition to which name there shall be no other designation than the words "Bank of", "Banking House of", "Banker", or "Bankers".

Section 2. Every such individual, co-partnership, or association intending to conduct such a bank or banking business within the State of Montana shall, before the receipt of any money whatsoever on deposit, actually own and possess, within the State of Montana, approved property or asset not exempt from execution of the minimum value of not less than Twenty Thousand (\$20,000.00) Dollars in cities and towns having a population of 2000 or less; in cities having a population of over 2000 and less than 5000 the sum of Thirty Thousand (\$30,000.00) Dollars; in cities having a population of 5000 and less than 10,000, the sum of Fifty Thousand (\$50,000.00) Dollars; in cities having 10,000 population and less than 25,000 the sum of Seventy Five Thousand (\$75,000.00) Dollars; in all cities having a population of 25,000 or over, the sum of One Hundred Thousand (\$100,000.00) Dollars which financial condition must ap-

pear and be carried on the books of any such bank or banks. Such requirement shall extend and be applicable separately to each and every private bank conducted by any person, co-partnership or association, and no asset or assets shall appear on the books of more than one bank.

Requirement shall apply to every private bank.

Section 3. Every private bank, corporation or association, conducting a banking business within the State of Montana, operating under the foregoing provisions shall be subject to examination and visitations of the State Examiner once each year, and oftener when deemed necessary by said Examiner, who shall have full power and authority to investigate and examine all books, papers and effects of any such bank or banking house for the purpose of ascertaining the financial condition of any such bank or banks, and shall have the power in aid thereof to administer oaths to any person or persons, or the agent or employees of any person or persons conducting such bank or banking business.

Such private banks shall be subject to examination and visitations by the state bank examiner.

Power of state bank examiner.

Section 4. Any knowledge or information gained or discovered by the State Examiner in pursuance of his powers or duties as herein prescribed, shall be deemed confidential information of the State Examiner's office only, and such information shall not, except as hereinafter provided, be imparted to any person or persons who are not officially associated in and with the office of the State Examiner, and such information shall be used by the State Examiner only in the furtherance of his official duties.

State bank examiner to hold such information obtained as private information of his office.

How to be used.

Section 5. The cashier of any bank doing business under the provisions of this Act when so directed by the State Examiner shall make a report to the said State Examiner at his call; which report shall not be made less than four times during each year, and which said report shall not be made less than two calendar months apart, which said reports shall be made in a form prescribed by the State Examiner, verified by the oath or affirmation of said cashier, which said statements or reports must contain a full abstract of the general accounts of the bank, and exhibit under appropriate head the resources and liabilities thereof, so as

Reports to be made by cashier to state bank examiner, when.

Not less than four reports per annum.

Form and verification of reports.

Contents of reports.

Must be trans-
mitted when.

Publication of
cashier's report.

Publication of ex-
pense of bank.

Proof of publi-
cation.

Power to call for
special reports.

State examiner to
report to the
governor and at-
torney general any
impairment of
assets of bank
discovered.

Duty of governor
and attorney gen-
eral in such cases.

Notice of governor
and attorney gen-
eral to bank to
make good such
impairment.

Duty of state
examiner to take
charge of bank,
when.

to plainly show all of the resources and liabilities of said bank and the amount at any time thereof, which said statements shall be transmitted to the State Examiner within five days after the receipt of the request or requisition therefor. Said report in such condensed form as may be required by said State Examiner must be published once in a newspaper of general circulation in the place where said bank is located, or if there be no newspaper of general circulation published in said place, then in the nearest newspaper available, which publication must be at the expense of the bank making said report, and such proof of publication of the said report shall be furnished as may be required by the said State Examiner. The State Examiner shall also have power to call for special reports from any particular bank whenever in his judgment the same are necessary under the provisions of this Act.

Section 6. Whenever the State Examiner after a full and careful examination of the affairs of any such bank as provided for herein shall find evidence of any impairment of the property or assets herein above provided for, or evidence of the insolvency of any such person, co-partnership or association, he shall immediately prepare and submit his statement of its condition to the Governor and the Attorney General, and if the Governor and Attorney General are satisfied from such statement that such impairment or insolvency exists, they shall order the State Examiner to notify the person or persons, co-partnership or association conducting such bank to make good such impairment or insolvency within a specified time, or the said Governor and Attorney General may order the said State Examiner to immediately take charge of such bank and to furnish an official bond for such sum as the Governor and Attorney General shall designate.

Section 7. If so ordered by the Governor and the Attorney General, the State Examiner shall forthwith take possession of all the books, records and assets of any such person, co-partnership or association conducting such bank and shall be authorized and empowered and is hereby directed to take such action as in his judgment is best for the protection of the de-

positors and creditors, and the person or persons conducting such bank, and may proceed as hereinafter provided. While in charge of the State Examiner, all books, records and assets of any such bank, shall not be subject to execution or attachment.

Duty of state examiner in case of insolvency of private bank.

Property cannot be attached, when.

Section 8. If the person or persons, conducting such bank do not make good the said impairment or insolvency within the time as prescribed in Section Six hereof after notification, the State Examiner is authorized to take charge of said bank and all its property and assets upon the direction of the Governor and the Attorney General.

If impairment is not made good within time given in notice the state examiner is authorized to take charge of the bank.

Section 9. If it appears necessary to have a receiver appointed for such bank or banking business, the State Examiner shall make full and complete report of the condition of the assets and liabilities of such bank to the Governor and thereafter if it shall appear to the Governor that a Receiver is necessary, he shall thereupon direct the Attorney General to file his petition in the district court of the county in which such bank is located asking for the appointment of a Receiver in the name of the State of Montana, and such petition shall be controlling, and shall be by the Court so considered and acted upon even though the depositors or creditors or other persons may have theretofore filed application for the appointment of a Receiver. When any such petition is filed as herein provided no suggestion shall be contained therein as to the person to be appointed by said Court to act in such capacity. Receivers of all such insolvent banks appointed under the provisions of this Act shall conduct said bank so taken charge of under the supervision of the State Examiner and the State Examiner shall take such steps with reference to said bank as he shall think advisable, either to close up the affairs of said bank in accordance with law, or to place said bank in a solvent condition. The Receiver herein provided for is subject to the same restrictions and liable to removal for a dereliction of duty whenever the Court may deem it advisable so to do.

When governor shall direct the attorney general to begin action for the appointment of a receiver.

Petition by the attorney general shall be controlling.

Petition shall not contain suggestion as to the person to be appointed receiver.

Receivers so appointed to conduct business under the supervision of the state examiner.

Power of state examiner in such cases.

Receivers subject to what.

Section 10. The Receiver provided for in this Act shall receive such reasonable compensation as shall be

Compensation of receiver.

Limitation on fees to be allowed.

ordered by the Court and in no event shall such compensation exceed the fees allowed executors and administrators in the administration of estates of deceased persons under the laws of this State.

Per diem and expenses to be allowed state examiner to be paid by the bank.

Section 11. The actual and necessary expenses, and the sum of Ten (\$10.00) Dollars per day shall be allowed the State Examiner for the performance of the duties imposed by this Act, which shall be paid in full by such bank under investigation for the time actually spent in making such investigation and in going to and returning therefrom.

Felony.

Failure of state examiner or his deputy to perform duty imposed or violation of act by any member of banking institution.

Section 12. If the State Examiner, or his deputy, shall fail to perform any duty imposed upon him under the provisions of this Act, or if any person or the members of any co-partnership or association, shall violate any of the provisions of this Act, they shall be guilty of a felony and shall be punished by imprisonment in the State Prison for a term of not more than five years.

Penalty.

Receiving money, deposits or commercial paper by any person or member of insolvent banking institution; making false entries or statements, etc., a felony.

Section 13. Any person, or the members of any co-partnership or banking association, wilfully or knowingly receiving deposits, money, or commercial papers, circulating as money, when such person or co-partnership or banking association is insolvent, or who subscribes or makes any false statement, or entries in the books of any such bank or who knowingly subscribes or exhibits any false papers with the intention of deceiving any person authorized to examine the condition of any bank provided for in this Act, or who wilfully subscribes or makes false reports, to the State Examiner shall be guilty of a felony and shall be punishable by imprisonment in the State Prison for a term not exceeding five years.

Punishment.

Repealing clause.

Section 14. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 15. This Act shall be in full force and effect from and after July 1st, 1911.

Approved March 6, 1911.

CHAPTER 112.

An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties, and providing penalties for the violation thereof.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. New counties may, from time to time, be formed and created in this state from portions of one or more counties already in existence, in the manner set forth in this act; provided, however, that no new counties shall be established which shall reduce any county to an assessed valuation of less than five millions of dollars; nor shall any new county be formed which contains an assessed valuation of property less than four millions of dollars as shown by the last preceding assessment of the county or counties from which such new county is to be established; nor shall any line thereof pass within eighteen miles of the county seat of any county proposed to be divided, and in every case where the county seat of the county sought to be divided is situated at or within the boundaries of any incorporated town or city, such county seat shall, for the purpose of this act, be held to include and to be coterminous with the territory included within the boundaries of the incorporated town or city whereat or wherein the county seat of the county sought to be divided is situated, as such boundaries are legally fixed and determined at the date of the filing of the petition or petitions referred to in Section 2 of this act; nor shall any new county be formed which shall reduce to less than eight hundred square miles of surveyed land the area of any existing county from which territory is taken to form such new county. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a pro rata proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken, to be determined as hereinafter provided.

New counties;
may be formed
under this act.

New counties shall
not be formed,
when.

Minimum assessed
valuation to be
embraced.

No line thereof to
be within 18 miles
of another county
seat proposed to
be divided.

Extent or size of
county seat of
county to be
divided.

Shall not reduce
the area of exist-
ing counties.

Liability of new
county for pro-
portion of exist-
ing debts of divided
county.

Petition for creation of new county: to be presented to whom.

Power of such board of county commissioners.

Certified copy of all orders and proceedings to be certified, to whom.

Duties of the county officers of the several counties.

Number of signatures to petition required.

Separate petitions when required, and number of signatures on each.

Section 2. Whenever it is desired to divide any county or counties and form a new county out of a portion of the territory of such then existing county or counties, a petition shall be presented to the board of county commissioners of the county from which said new county is to be formed, in case said county is to be formed from but one county, or to the board of county commissioners of the county from which the largest area of territory is proposed to be taken for the formation of such new county in case said new county is to be formed from portions of two or more existing counties and such board of county commissioners shall be empowered and have the jurisdiction to do and perform all acts provided for to be done or performed in this act, for each of the several counties from which any proposed territory is to be taken, and shall direct that a certified copy of all orders and proceedings had before such board of County Commissioners shall be certified by the County Clerk to the Board of County Commissioners of each of the several counties from which any territory is taken by the proposed new county and all officers of any such county from which any territory is taken by the proposed new county shall comply with the orders of the Board of County Commissioners in the same manner, as if said order had been duly made by the Board of County Commissioners of each respective county from which territory is proposed to be taken. Such petition shall be signed by at least one half of the qualified electors of the proposed new county, whose names appear on the official registration books used at the general election held therein last preceding the presentation of said petition to the board of county commissioners as herein provided; provided, that in cases where the proposed new county is to be formed from portions of two or more existing counties, separate petitions shall be presented from the territory taken from each county; and each of said separate petitions shall be signed by at least one half of the qualified electors of each of said proposed portions. Such signatures need not all be appended to one paper, but may be signed to several peti-

tions which must be similar in form and when so signed the several petitions may be fastened together and shall be treated and presented as one petition. Such petition or petitions shall contain:

Separate papers may be used for signatures.

A particular description of the boundaries of the proposed new county to be formed; and a statement that no line thereof passes within eighteen miles of the county seat of any county proposed to be divided;

What petitions shall contain.

A statement of the assessed valuation of such proposed county as shown by the last preceding assessment of the county or counties from which such new county is to be established provided that the statement of assessed valuation of such proposed county and such statement shall show the number of miles of railroads or railroad therein, together with the total assessed valuation thereof, as fixed by the state board of equalization;

A statement of the area in square miles which will remain in the county or counties from which territory is taken to form such new county, after such new county is formed;

The name of the proposed new county;

A prayer that such proposed new county be organized into a new county under the provisions of this act.

There shall be attached to and filed with said petition or petitions the affidavit of three qualified electors and taxpayers within each county sought to be divided to the effect that they have read said petition and examined the signatures affixed thereto, and they believe that the statements therein are true, and that it is signed by at least one half of the qualified electors of the proposed new county or of the proposed portion thereof taken from each existing county, where the proposed new county is to be formed from portions of two or more existing counties; that the signatures affixed thereto are genuine, and that each of such persons so signing was a qualified elector of such county therein sought to be divided, at the date of such signing.

Affidavit to be attached to petition.
Contents of affidavit.

Such petition or petitions so verified and the verification thereof shall be accepted in all proceedings permitted or provided for in this Act, as prima facie evidence of the truth of the matters and facts therein set forth.

Petitions and affidavit prima facie evidence of what.

Board of county commissioners shall fix time for hearing petition and objections, when.

Upon the filing of such petition or petitions and affidavit with the clerk of the said board of county commissioners said board shall forthwith fix a date to hear the proof of the said petitions and of any opponents thereto, which date must not be more than thirty days subsequent to the filing of such petition with the clerk of said board.

Commissioners to designate papers in which the notice shall be published.

Said board of county commissioners shall also at the same time designate a newspaper of general circulation published in the old counties, but not within the proposed new county, and also a newspaper of general circulation published within the boundaries of the proposed new county, if there be such, in which the said board shall order and cause to be published at least once a week for two weeks next preceding the date fixed for such hearing, a notice in substantially the following form:

Publication of notice.

Notice.

Form and contents of notice.

Notice is hereby given that a petition has been presented to the board of county commissioners of county (naming the county represented by the board of county commissioners with which said petition was filed) praying for the formation of a new county out of a portion of the said county and county (naming the county or counties out of which it is proposed to form the new county), and that said petition will be heard by the said board of county commissioners at its place of meeting (designating the city or town and the day and hour of the meeting so to be held) when and where all persons interested may appear and oppose the granting of said petition and make any objection thereto.

Dated.....

By order of the Board of County Commissioners of county.

By..... Chairman.

Attest:....., County Clerk.

Bond to pay expenses of proceedings to be filed by petitioners.

Said petitioners shall on or before the date fixed for said hearing, or on or before the date to which said hearing may have been adjourned, file with said board of county commissioners a bond to be approved by

said board, in such amount as the said board shall designate, but not exceeding five thousand dollars, payable to the county in which said petition is filed, conditioned that the obligators named in said bond will pay to said county all expenses incurred in the proceedings and election provided for in this Act, not exceeding the amount specified in said bond, in the event that at the election herein provided for more than thirty-five per cent of the votes cast at said election are "For the new county of (naming the proposed new county) No."

Conditions of the bond of petitioners.

At the time so fixed for said hearing the board of county commissioners shall proceed to hear the petitioners and any opponents, and may adjourn such hearing from time to time, not exceeding fourteen days in all, and shall receive the proofs offered to establish or controvert the facts set forth in said petition or petitions and on the final hearing of such petition or petitions said board shall by resolution entered on its minutes determine:

Hearing to be held by county commissioners.

Adjournments may be made from time to time.

1st. The boundaries of the proposed new county, and the boundaries so determined by said board of county commissioners shall be the boundaries of such proposed new county if it be created as herein provided.

What the board shall determine.

2nd. Whether the said petition contains the genuine signatures of at least one half of the qualified electors of the proposed new county as herein required, or, in cases where separate petitions are presented from portions of two or more existing counties, as herein required, whether each petition is signed by at least one half of the qualified electors of that portion of each of such existing counties, which it is proposed to take into the proposed new county.

3rd. Whether any line of the proposed new county passes within eighteen miles of the county seat of any county proposed to be divided.

4th. Whether the proposed new county will contain property according to the last preceding assessment which will equal in amount at least four million dollars and the assessed valuation of all railroad or railroads within the proposed county shall be added to

the assessment of property contained in said proposed county, in estimating and determining the amount of the assessed valuation of property thereof.

5th. Whether the area of any existing county from which territory is taken to form such new county will be reduced to less than eight hundred square miles, of surveyed land by taking the territory proposed to be taken therefrom to form such new county.

6th. The class to which said proposed new county after its creation, shall belong, and the name of said proposed new county as stated in such petition.

When the county commissioners, on final hearing, change any proposed boundary of new county.

On the final hearing said board of county commissioners must, upon petition of not less than fifty per cent of the qualified electors of any territory lying within said proposed new county and contiguous to the boundary line of the said proposed new county and of the old county from which such territory is proposed to be taken, and lying entirely within a single old county, and described in said petition, asking that said territory be not included within the proposed new county, make such changes in the proposed boundaries as will exclude such territory from such new county, and shall establish and define such boundaries; provided, that if any change or changes so made shall result in reducing the valuation of the proposed new county to less than an assessed valuation of four million dollars, then such new county shall not be created or organized; and provided, further, that no change shall be made which shall leave the territory so excluded, separate and apart from and without the county of which it was formerly a part; petitions for exclusion shall be disposed of in the order in point of time in which they are filed with the clerk of the board of county commissioners, and on final determination of boundaries no changes in the boundaries originally proposed shall be made except as prayed for in said petition or petitions or to correct clerical errors or uncertainties.

Provided.

When the new county can not be organized.

Further proviso.

Petitions for exclusion: how to be treated.

When change in proposed boundaries not to be made.

Duties of the county commissioners when findings justify the creation of the proposed new county.

Section 3. If the said board of county commissioners determines that the formation of said proposed new county will not reduce any county from which any territory is taken to an assessed valuation of less than

five millions of dollars nor the area thereof to less than eight hundred (800) square miles of surveyed land, and that the proposed new county contains property of an assessed valuation of at least four million dollars, and that no line of said proposed new county passes within eighteen miles of the county seat of any county proposed to be divided, and that said petition contains the genuine signatures of at least one half of the qualified electors of the proposed new county or in cases where separate petitions are presented from portions of two or more existing counties, as herein required, that each of said petitions contain the genuine signatures of at least one half of the qualified electors of that portion of the proposed new county from which it is taken, then said board of county commissioners shall divide the proposed new county into a convenient number of townships, road and school districts and define their boundaries and designate the names of such districts, and each of them; they shall also, if necessary for the purpose of the election hereinafter provided for, change the boundaries of the election precincts in said old county or counties to make the same conform to the boundaries of the proposed new county; provided that the boundary lines of no such precinct shall extend beyond the boundary lines of the existing county in which it is located and from which the territory is proposed to be taken; and said board shall appoint the election officers to act at said election and to be paid by said board. Within two weeks after its determination of the truth of the allegations of said petition as aforesaid the said board of county commissioners shall order, and give proclamation and notice of, an election to be held on a specified day in the territory which is proposed to be taken for the new county, not less than ninety nor more than one hundred and twenty days thereafter, for the purpose of determining whether such territory shall be established and organized into a new county, and for the election of officers and locating of a county seat therefor in case the vote at such election shall be in favor of the establishment and organization of such new county.

Proviso.

Appointment of election officers.

When order and proclamation of election is to be made.

Contents of proclamation, and where election is to be held.

Qualifications of electors.

Registration and transfers.

Publication of proclamation of election.

Copies to be mailed to whom.

What proclamation shall require.

Manner of marking ballots.

Ballots. Shall contain the names of persons to be elected to office.

All qualified electors resident within the proposed new county who are qualified electors of the county or counties from which territory is taken to form such proposed new county, and who have resided within the limits of the proposed county for a period of more than six months next preceding the day of election, and who were on the official registration list at last general election or who are entitled to be registered for said special election under the provisions of this act shall be entitled to vote at said election. Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registration for a general election in the state of Montana.

Such proclamation and notice of election shall be published at least once a week for three weeks before holding of such election, in some newspaper of general circulation published in the territory which is proposed to be taken for the new county and a copy thereof shall be mailed immediately by the county clerk of the county in which the petition is filed to the county clerk of each county from which territory is taken for the proposed new county. Such proclamation and notice shall require the voters to cast ballots which shall contain the words "For the new county of (giving the name of the proposed new county) Yes," and "For the new county of (giving the name of the proposed new county) No," and each voter desiring to vote for the establishment and organization of said new county shall mark across (X) opposite the words "For the new county of Yes," in the manner now required by law in other elections, and each voter desiring to vote against the establishment and organization of said new county shall mark a cross (X) opposite the words "For the new county of No," in the manner now required by law in other elections; and shall also contain the names of persons to be voted for to fill the various elective offices designated in said proclamation for counties of the class to which said proposed county will belong, as determined by the board of county commissioners as herein directed and

in the manner provided by law, except as herein otherwise provided, there shall also be printed upon said ballots the words "for the county seat" and the names of all cities or towns which may have filed with the County Clerk a petition signed by at least twenty-five qualified electors, nominating any city or town within the proposed new county for the county seat, and the voter shall designate his choice for county seat by marking a cross (X) opposite the name of the city or town for which he desires to cast his ballot. At a special election to be held, as provided in this act, the question of the election of the county seat is hereby provided to be submitted to the qualified electors of the proposed new county, and the majority of all the votes cast therefor shall determine the election thereon. In case any city or town fails to receive a majority of all the votes cast, then the city or town receiving the highest number of all votes cast, shall be designated as the temporary county seat, and in case of any city or town is not the choice of the election for the county seat by a majority of all votes cast, the question of choice between the two places, for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors at the next general election thereafter. When the county seat shall have been selected as herein provided, it shall not thereafter be changed except in the manner provided by law.

The proclamation calling the election and the notice thereof provided for in this act shall be made and given exclusively by the board of county commissioners with which is filed the said petition for the formation and establishment of such new county and such board shall cause the clerk of said county to furnish to the officers of each precinct in such proposed new county all ballots, poll lists, tally lists, registers for voters' signatures, ballot boxes and other election supplies and equipment necessary to conduct such election and which are not hereinafter specifically directed to be furnished by the clerk of another county or counties.

Such election shall be governed and controlled by the general election laws of the state so far as the same

To be printed upon the ballots.

Cities and towns to be voted for county seat.

Marking choice on ballot for county seat.

Special election for selecting county seat is hereby provided for.

Majority of all the votes cast necessary for election.

Temporary county seat.

When no permanent county seat has been selected, the two places receiving the highest number of votes are to be voted for at the next general election.

Change of county seat.

Proclamation and notice of election to be issued only by whom.

Clerk to provide ballots, poll lists, tally lists, registers for voters' signatures, ballot boxes and other election supplies.

Election to be conducted by the general election laws of the state.

Returns and canvassing of votes, to whom and by whom made.

County clerks of each county, part of whose territory will be in new county, to furnish books of registration, etc.

All returns to be made to whom.

Filing nomination for election.

Application of laws relating to ballots and primary elections.

It requires sixty per cent of the votes cast to be in favor of the formation of the new county.

Resolution to be passed and entered by county commissioners in case the proposition has carried.

shall be applicable, except as herein otherwise provided. The returns of all elections for officers and for location of the county seat as provided for in this act shall be made to and canvassed by the board of county commissioners of the county from which the largest area is taken by the proposed county. The county clerk of each county from which territory is taken for the proposed new county shall not less than five days before the date of such election furnish to each board of election within said proposed new county the book of affidavits of registration for the precincts of such proposed new county as are within their respective counties, and the copies of indexes thereof required by law, containing the names of all persons who were qualified electors at the last general election before the date of such election. All returns of election herein provided for shall be made to the board of county commissioners calling such election.

All nomination of candidates for the offices required to be filled at said election shall be made in the manner provided by law for the nomination of candidates for all general state elections.

The provision of the election laws relating to preparation, printing and distribution of sample ballots and the provisions of said laws relating to primary elections in this state shall have application to any election provided for in this act.

Section 4. If upon the canvass of the votes cast at such election it appears that sixty-five per cent of the votes cast where the proposed new county is formed from one existing county or that sixty-five per cent of the votes cast in the territory taken from each county, where the proposed new county is formed from two or more existing counties, are For the new county of (naming it) Yes, the board of county commissioners shall by a resolution entered upon its minutes declare such territory duly formed and created as a county of this state, of the class to which the same shall belong, under the name of county (naming it), and that the place (naming it) receiving the highest number of votes cast at said elec-

tion for county seat shall be the county seat of said county until removed in the manner provided by law, and designating and declaring the persons receiving respectively the highest number of votes for the several offices to be filled at said election, to be duly elected to such offices. Said board shall forthwith cause a copy of its said resolution duly certified, to be filed in the office of the secretary of state, and from and after the date of such filing said new county shall be deemed to be fully created, and the organization thereof shall be deemed completed and such officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties as required by the laws of the state. The clerk of the board of county commissioners with which said petition was filed, as herein provided, must immediately make out and deliver to each of said persons so declared and designated to be elected, a certificate of election authenticated by his signature and the seal of said board of county commissioners. All the officers elected at said election or appointed under this act shall hold their offices until the time provided by general law for the election and qualification of such officers in this state and until their successors are elected and qualified and for the purpose of determining the term of office of such officers, the years said officers are to hold office, are to be computed respectively from and including the first Monday after the first day of January following the last preceding general election.

If, however, upon such canvass it appears that more than thirty-five per cent of the votes cast at said election where the proposed new county is formed from one existing county or that more than thirty-five per cent of the votes in the territory taken from any county, where the proposed new county is formed from two or more existing counties, are For the new county of (naming it) No, the board of county commissioners canvassing said vote as provided herein shall pass a resolution in accordance therewith and thereupon the proceedings relating to the division of

County seat.

Officers elected.

Copy of resolution to be filed in office of secretary of state.

Organization and creation complete.

Officers to enter upon the discharge of duties.

Certificates of election.

Terms of elected officers.

In case more than thirty-five per cent of votes cast were against the proposition.

Duty of county commissioners.

No other proposition for creating the new county shall be had for two years thereafter.

Officers to be elected at election provided in section 3 of this act.

Existing justices of the peace and constables shall continue in office until term expires.

School trustees to continue in office until expiration of the term to which they were elected.

Qualifications of officers appointed or elected in new county.

When to enter office.

Oath of office.

Official bonds: approval of by whom.

such county or counties shall cease and determine and no other proceedings in relation to the division of said county or counties shall be instituted for at least two years after such determination.

Section 5. At the election provided for in Section 3 of this act, there shall be chosen such county, township and district officers as are now or may hereafter by general law be provided for in counties of the class to which the said new county is determined to belong, as herein provided.

Provided also, that all duly elected, qualified, and acting justices of the peace and constables residing within the proposed new county at the time of the division of such county into townships as hereinbefore in Section 3 hereof provided, shall hold office as such justices of the peace or constables in said county for the remainder of the term for which they were elected on qualifying as justices of the peace or constables for the respective townships in which they reside, when said townships are organized as provided in this act; also provided that all duly elected, qualified and acting school trustees residing within the proposed new county at the time of the division of such county into school districts as hereinbefore in Section 3 hereof provided shall hold office as school trustees in said new county for the remainder of the term for which they were elected on qualifying as school trustees for the respective districts in which they reside as said districts are organized as provided by this act. Each person elected or appointed to fill an office of such new county under the provisions of this act shall qualify in the manner provided by law for such officers, except as herein otherwise provided and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. Each of such officers may take the oath of office before any officer authorized by the law of the State of Montana to administer oaths and the bond of any officer from which a bond is required shall be approved by any judge of the district court of the district to which such new county is attached for judicial purposes. The

officers elected or appointed under the provisions of this act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been appointed or elected in counties of the class to which such new county shall have been determined to belong as herein provided under the general classification of counties in this state. Said new county when created and organized in pursuance of the provisions of this act shall be attached to such judicial district as may be designated by the governor of the state of Montana in a proclamation to be issued by him designating such new county as attached to the particular judicial district for judicial purposes.

Compensation of officers.

New county to be part of what judicial district.

Section 6. It shall be the duty of the persons elected to or continuing to hold the office of county commissioners of said new county to meet at the county seat thereof within five days after all of them shall have qualified, and upon organization of said board of county commissioners, it shall notify the governor of the state of the organization of said county, and thereupon it shall be the duty of the governor to appoint three persons, one of whom shall be a resident and taxpayer within the new county and no two of whom shall be from any one county; the three persons so appointed shall form and be a board of commissioners. Such commissioners shall within ten days after the notice of their appointment, meet at the county seat of the new county and organize by electing from their number a chairman, and also elect a secretary who must not be a member of said commission. Thereafter such commission may meet at such place or places as it may select. A majority of said commissioners shall constitute a quorum for the transaction of business. Said commission shall have power to compel by citation or subpoena signed by their president and secretary the attendance of such persons and the production of such books and papers before said commission as may be required in the performance of the duties imposed by this act except that the official records of any county or counties from which said new county was formed

County commissioners of new county: shall meet when.

To notify governor.

Commissioners to be appointed by governor to adjust indebtedness of old and new county.

When commission to meet at county seat.

Organization.

Other meetings of commission.

Quorum.

Compel attendance of witnesses and production of evidence.

Duty of sheriff
herein.

Fees of sheriff
herein.

Mileage and allow-
ance to witnesses.

Need not be paid
in advance.

Duties of commis-
sion.

To ascertain
indebtedness of
the counties.

Total value of
property.

Assessed value of
property in old
counties.

Property within
new county.

Adjusting indebt-
edness between
counties: method
and require-
ments.

shall in no case be taken from the county seat of said county. It shall be the duty of the sheriff of any county to execute in his county all lawful orders and citations of the said commission; and for any services so performed the sheriff shall be allowed the same fees as are allowed to him for services in civil actions and all witnesses attending before said commission shall be entitled to the same compensation and mileage as is allowed to witnesses in civil actions in courts of record; provided, that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making such service to tender to such witness his fees and mileage in advance.

Section 7. Said board of commissioners shall immediately after its organization ascertain the costs of the election held hereunder and apportion the same pro rata between each of the counties from which territory was taken to form such new county, and said new county, and shall also ascertain the indebtedness of each county from which territory was taken to form the new county, as the same existed at the time when the result of the election thereon was declared by the board of county commissioners as hereinbefore provided, and also the total value of all property at that time belonging to each of said counties from which territory was taken, and situate within the limits of said old counties respectively. It shall also ascertain the assessed value of all property in each of the original old counties from which territory was so taken, according to the last completed assessment made for said county, and also the assessed value, under the same assessment, of all property within the territory of the new county which shall have been taken from the old county or counties from which said new county was formed. They shall then find the difference between the amount of the indebtedness of the old county and the value of the property belonging to the old county at the date of the declaration of the result of said election as hereinbefore provided, and if such indebtedness exceeds the value of such property be-

longing to the old county, the new county shall pay to the old county a due proportion thereof to be determined as follows: As said assessed value of the property in the old county is to the said assessed value of the property in the territory provided by this act to be incorporated within the new county from said old county, so is the amount of said excess to the amount to be paid by said new county to said old county. Said board of commissioners shall certify forthwith to the board of county commissioners of the new county and the old counties thereby effected, the amount constituting the due proportion of said excess payable by such new county to each of them; also the value of any property belonging to each old county at the time when said division took effect as hereinbefore provided, which is situated in the new county. The sum of said ascertained value of said last mentioned property added to the ascertained proportion of said excess which the new county is to pay to the old county, and its proportion of the expense of said election as aforesaid, shall be an indebtedness from the new county to the old county, and the said property situated as aforesaid in the new county, shall upon settlement therefor, as provided in this act, become the property of the new county, and the old county shall pay the entire indebtedness against it, and the expense of said election shall be paid by the county calling such election, and any other county affected thereby shall pay its proportion thereof as hereinbefore provided.

The proceedings in this section required to be taken in the ascertainment and adjustment of property rights and debts shall be had and taken as between said new county and each of the counties from which territory is taken to form said new county in the manner and at the ratio in said section provided. If upon the settlement between the old and the new county as herein provided for, the new county shall be found to be indebted to the old county or either of the old counties, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property contained in said new county and said new county shall pay the

Method of ascertaining amount, if any, to be paid by new county.

Certificate of the commission, contents.

What shall be an indebtedness of new county to the old.

Property of new county.

Indebtedness to be paid by old county.

Expense of the election, to be paid by whom.

Like proceedings of adjustment of indebtedness to be had between new county and each of old counties, part of whose territory is embraced in new.

Taxes to be levied in new county to pay adjusted indebtedness to old counties, if any.

May be paid in three equal annual payments, or by funds derived from sale of bonds of new county.

same; provided, however, that such payment by said new county may be made in not more than three equal annual payments, or by funds to be derived from the sale of bonds of said new county, as may be determined by a resolution of the board of county commissioners of said new county adopted within one year after the receipt of the statement from the board of commissioners as aforesaid of the amount or amounts due from it.

Compensation of commissioner.

Section 8. Members of the board of commissioners provided for under this act shall receive a compensation of not to exceed \$8.00 per day for every day they are actually employed under the provisions of this act, together with their actual expenses incurred in the performance of their duties, and the clerk of said board shall receive as compensation for his services not to exceed \$5.00 per day for every day that he is actually employed under the provisions of this act, all of which expenses, together with the reasonable expenses of stationery, postage, and incidental expenses shall be borne in equal proportions by the counties affected by such division including said new county, and the amounts payable by each county shall be paid by the treasurers of the respective counties after the same shall have been presented to and allowed by the board of county commissioners as is provided by law for claims against any county.

Compensation of clerk of board.

To be paid by whom.

Duty of officers of new county in collecting current taxes.

Section 9. After the creation of a new county as herein provided its officers shall proceed to complete all proceedings necessary for the assessment or collection of the state and county taxes for the then current year and all acts and steps theretofore taken by the officers of the old county or counties prior to the creation of the new county shall be deemed and taken as having been performed by the officers of the new county for the benefit of the new county; and upon the creation of the new county it shall be the duty of the officers of the old county or counties to immediately execute and deliver to the board of county commissioners of such new county copies of all assessments or other proceedings relative to the assessment and collection of the current state and county taxes of prop-

Duty of officers of old county regarding collection of taxes for the current year.

erty in such new county. Such copies shall be filed with the respective officers of the new county who would have the custody of the same if the proceeding had been originally had in the new county and such certified copies shall be taken and deemed as originals, and original proceedings in the new county, and all proceedings therein recited shall be taken and deemed as original proceedings in the new county, and shall have the same effect as if the proceedings therein stated had been had at the proper time and in the proper manner by the respective officials of the new county, and the officials of the new county, are hereby authorized and directed to proceed thenceforth with the assessment and collection of said taxes as if the proceedings originally had in the old county or counties had been originally had in the new county.

Section 10. The superintendent of public schools of the old county or each of the old counties respectively shall furnish the superintendent of public schools of the new county with a certified copy of the last school census of the different school districts in the territory set apart to form the new county, and shall certify to the board of county commissioners the amount due, and said board shall order a warrant drawn on the treasurer of his county in favor of the treasurer of the new county, for all the money that is or may be due by any apportionment or otherwise to the different school districts embraced in the new county, from his county and the county treasurer shall certify to the county commissioners the amount due in the different road funds, and the county commissioners shall order a warrant drawn on the treasurer of his county in favor of the treasurer of the new county for all money that is or may be due by apportionment or otherwise to the different road and district funds, in the territory set apart to form the new county, from his county, which said amounts shall be properly credited in both counties. And whenever in the formation of a new county a road or school district has been divided the board of county commissioners shall by resolution direct the treasurer to transfer the proper proportionate

Filing of certified copies of assessments, etc.

To be taken and deemed as original.

Officers of new county authorized to collect taxes of current year.

School census, copies to be furnished by the superintendents of public schools of old counties.

Other duties of county superintendents.

Money due school districts in new county.

Road funds due to new county.

When road or school districts have been divided.

amount of the money remaining in the fund of such district to the treasurer of the new county.

County commis-
sioners of new
county, duty re-
garding transfer
of records and
supplies therefor.

Section 11. The board of county commissioners of any new county formed as aforesaid must provide suitable books and have transcribed from the records of the old county or counties all such parts thereof as relate to or effect property or the title thereof situate in the new county, and said records when so transcribed and certified as herein provided shall have the same force and effect as such original records; the said county commissioners shall have full power and authority to contract for transcribing of records as now provided by law.

Certified trans-
scribed records to
have force and
effect of originals.

Transfer of pend-
ing actions in dis-
trict court con-
cerning real estate
situate in new
county.

Section 12. All actions pending in the district court of the old county or counties for the recovery of the possession of, quieting the title to or for the enforcement of liens upon, or any other actions affecting real estate lying in the new county shall on motion of any party thereto be transferred to the district court to which the new county may be attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the district court of the new county. All other actions or special proceedings pending in the district court or courts of said old county or counties if said new county had been in existence at the date in which it is pending and on motion of any party interested therein be transferred to the district court of such new county.

Transfer of other
pending actions
and special pro-
ceedings.

When publication
may be had by
posting of notice.

Section 13. Whenever in this act publication of any notice is provided for and no newspaper of general circulation is published within the territory in which said notice is required to be published, notice shall be given by posting copies of such notice in at least ten public places in such territory for the same length of time said notice was required to be published.

State senator of
new county.

Member of the
house of repre-
sentatives.

Section 14. The territory within the limits of any new county until otherwise provided by law shall be entitled to representation in the state senate by one state senator and to representation in the house of representatives by one member of the house of representatives.

Section 15. Any member of any board of county

commissioners or any other officer who unlawfully and knowingly violates any of provisions of this act, or fails to perform any duty imposed upon him hereunder, shall be guilty of a misdemeanor and of malfeasance in office and be deprived of his office by a decree of a court of competent jurisdiction after trial and conviction.

Misdemeanor and malfeasance in office.

Guilty officer to be deprived of office, how.

Section 16. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 17. This act shall be in full force and effect from and after its passage and approval.

Act to take effect.

Approved March 6th, 1911.

CHAPTER 113.

An Act providing for the creation of election precincts and for the registration of electors in county, cities, towns and school districts, and providing penalties for the violation thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The county clerk of each county of the State of Montana is hereby declared to be the ex-officio county registrar of each county and shall perform all acts and duties in this act provided, without extra pay or compensation therefor. He shall have custody of all registration books and papers herein provided for, and the great register hereinafter provided for, to be kept by said county clerk, is hereby declared to be an official record of the office of the county clerk of each county.

County clerk to be county register.

Custodian of registration books.

Section 2. The board of county commissioners of each county shall establish a convenient number of election precincts therein, not later than the fifteenth day of June, 1911, and in the order establishing such precincts, the boundaries thereof must be defined with as much accuracy as practicable. The board of county commissioners in establishing election precincts, as herein provided, shall, in all incorporated cities or towns, establish such precincts in conformity with the boundaries of the ward lines of the wards of the city or town as established by the city council thereof, provided that the board of county commissioners may estab-

County commissioners to establish election precincts and define their boundaries.

Election precincts in incorporated cities and towns.

Number in a ward.

When precinct may extend beyond limits of town or city.

Polling places: who may establish, and number.

New precincts: consolidation and change of old ones.

When change, location or alteration not to be made.

Certificate.

Numbering of precincts.

City council to certify ward boundaries.

When ward boundaries can not be changed.

Certificate of change in wards.

lish two or more precincts within the boundaries of any one ward; and provided further, that if the city or town does not contain more than three hundred electors, the board of county commissioners may include additional territory in connection with the precinct or precincts in such city or town, and providing that the Board of County Commissioners, or the City Council, or the Board of School Trustees may at any time before the closing of the great register, as hereinafter provided, establish two (2) or more polling places in any election precinct established in accordance with the provisions of this Act, and shall define the boundaries of each of said polling places.

Section 3. The board of county commissioners or board of school trustees may, at any meeting of said board of county commissioners or school trustees, change the boundaries, create new or consolidate established precincts; but no precinct must be changed, altered, located or established between the 1st day of January and the 1st day of December in and during the year in which a general election is or may be held with the State of Montana. Such changes, alterations or modifications of precinct boundaries must be certified to the county clerk within three days after such order shall have been made. All election precincts shall be numbered in numerical order but may be designated by a name in addition to such number.

Section 4. The city council of all incorporated cities and towns within the State of Montana shall, on or before the 1st day of June, 1911, certify to the county clerk and ex-officio registrar of the county within which such city or town is situated, a description by metes and bounds of the ward lines in such city or town. The city council of any city or town may change or alter the ward boundaries of any ward at any time, except between the 1st day of May and the 20th day of November of each year, in which a general election of the State of Montana is held. The city clerk of any city or town shall within ten days after any city or town may have changed or altered the boundaries of any ward therein, certify to the county clerk of the county a full and complete description of the changes and lo-

cations in said boundaries of said wards.

Section 5. The county surveyor of each county within the State of Montana must, within ten days after the board of county commissioners or board of school trustees shall have established, changed, altered or modified the boundaries of any election precinct within the county or any school district thereof, make, prepare and deliver to the county clerk of the county, a map correctly designating and showing the boundaries of every election precinct or school district within the county.

County surveyor to prepare map of boundaries of all election precincts.

Section 6. The city council of any city or town within any county of the State of Montana shall, within ten days after the ward lines of any city or town have been established, changed, altered or modified, cause to be prepared and delivered to the county clerk of the county in which the city or town is situated, a map showing and designating, correctly, the boundaries of the wards within such city or town; such map shall also have designated thereon the street, avenue or alley numbers of all streets, avenues or alleys, showing such numbers, at the beginning of the ward boundary and at the ending thereof.

Map of wards to be prepared by city council and presented to county clerk.

What map must show.

Section 7. The county clerk and ex-officio registrar of each county shall keep and enter in a register, to be designated as the great register, the names of the qualified electors of said county. The county clerk shall, beginning with the 1st day of July, 1911, register the names of all qualified electors at his office, and not elsewhere, between the hours of nine A. M. and five P. M., on all legal days, in the manner as hereinafter provided. Such general registration of all voters shall be required but once, and any person once registered shall thereafter, so long as he remains a qualified elector of the precinct from which he registers, shall be entitled to vote, provided the name of any qualified elector who shall fail to vote at any general election, shall, by the county clerk, in the manner hereinafter provided, be removed from the official register and he may not thereafter vote until he has again registered. During a period of thirty days immediately preceding any general election and during a period of thirty days im-

The county registrar to keep the great register.

When registration to begin.

One registration required only, so long as voter resides in same precinct.

Name to be removed if elector fails to vote.

Must register again, when.

Registrations close
thirty days before
election.

Notice of closing
registration.

Transfers, when
can be made.

Registration books
to be furnished by
what authorities.

When to be
furnished.

Form of books
and contents.

Division of the
great register
book into parts.

mediately preceding any primary nominating, municipal, or school election, such registration shall be closed and no person during the period herein specified immediately preceding any general, primary nominating, municipal or school election shall be permitted to register for such election. The county clerk as ex-officio registrar must write in red ink on the line below the last entry on each page of the great register the words, "Closed on account of election to be held on". During the period that the great register is closed, as in this act provided, immediately preceding any general, municipal, school district or primary nominating election, transfers may be made by the county clerk of the name of any elector from one precinct or ward to another in the same county, city or school district, at any time not less than ten days immediately preceding any such election.

Section 8. The board of county commissioners, school trustees or city council who have charge and control of the election in the several counties, cities and towns or school districts, shall provide and furnish to the county clerk, not later than the 1st day of July, 1911, and not later than the first day of January, 1913 and biennially thereafter, for each election precinct of the county, city or school district, registration books, which shall be of sufficient strength and durability for the temporary registration provided for. Such books shall be of convenient size and shall be arranged for the registration of the names in alphabetical division. Each alphabetical division to be composed of ruled columns with appropriate headings, under which the information obtained by the registry officer concerning the proper statements, answers and statements made by each elector be registered in compliance with this act, shall be recorded. Such registration book shall be in substantially the same form as hereafter provided. The county clerk shall, before proceeding to register electors, suitably divide the great register into as many parts as there are election precincts in the county, and index the several precincts in the front of the great register. Such great register shall be so arranged that

the precincts created by the board of county commissioners shall show and be arranged in numerical order.

Section 9. Said great register and all registry books furnished for precinct or ward registers shall be in substantially the following form:

Form of great and
other register
books.

Official Register of Electors of Precinct,
.....County, Montana.

Number	Date	Voted	Name in Full

Occupation	Age	Heighth	Nativity.

Naturalized when and where	Residence, giving street No. or Sec. and Twp.

Postoffice address	Length of time in state, county or city	School District

City Ward Number	Physical Disabilities if any	Applicant's signature

Remarks.

Registrar: duties
in making regis-
tration.

Section 10. The county clerk as ex-officio county registrar must enter, on the official register hereinbefore provided for, under the proper heading, the number and date of the registration, the name in full, the occupation, the age, height and nativity of the elector and when the person so registered is of foreign birth, the fact of the exhibition of, or failure to exhibit, his certificate of naturalization or a certified copy thereof, must be noted in the column provided for that purpose; a particular description of the house, building or room in which he resides, such as will enable a person of common intelligence to find the same, without difficulty, the post-office address of the elector, the length of time the elector has resided within the state, county city or school district within which the elector resides, the number of the ward of the city within which the elector resides, any physical disabilities that the elector may have, must be noted in the column provided for that purpose, which lists properly entered as in this section provided, is to be known as the "Official Register" of the electors of the respective election precinct. If any person fails or refuses to give answer in any particular, as may be required by questions of the county clerk, he must not be registered.

Person refusing to
answer questions
shall not be regis-
tered.

Oath required of
elector.

Section 11. Every person applying to be registered must, before he is entitled to have his name registered, take and subscribe the following oath or affirmation, which must be administered by the county clerk as ex-officio county registrar, except as herein otherwise provided:

State of Montana }
County of..... } ss.

No.....

I, the undersigned elector, do solemnly swear (or affirm) that my name and signature as signed below, is my true name and signature; that my full name is; my age is.....years; that I was born in.....; that I was naturalized and became a citizen of the United States by.....; that my residence is street, No., or upon section.....township.....; that my height is.....feet.....inches, and that I am able to mark my ballot (or I am unable to mark my ballot by reason of being physically disabled in the following particulars:.....); that I am a citizen of the United States; that I have resided within the State of Montana for a period of at least one year last past, and in the county of..... more than thirty days last past and in the city of for a period of at least six months last past, immediately preceding this election; that I am not registered elsewhere within the State of Montana, so help me God, or under the pains and penalties of perjury.

.....
Subscribed and sworn to before me this.....
day of....., 191.....

.....
(Here insert official title of attesting officer.)

Section 12. If any applicant for registration applies to be registered who has not resided within the State of Montana, or the county or city in the required length of time, and who shall be entitled to and is qualified to register on or before the day of election, provided he answers the questions of the county clerk in a satisfactory manner and it is made to appear to the county clerk that he will be entitled to become a qualified elector by the time upon which the election is to be held, the county clerk shall accept such registration and enter the elector's name in the great register. If any

Any elector may register who, upon the date of election, will have resided in state or county the required length of time.

Registering with-
out naturalization
papers.

Challenge at polls
for want of.

County clerk must
preserve all
affidavits required
by section 11 of
this act.

Affidavits to be
bound in books.

Conclusive proof
of what.

Entries to be
made by the
county clerk in
presence of the
elector in the dif-
ferent register
books.

Entries to be
made at same
time in school
precinct register
book.

Also in the city or
town precinct reg-
ister book.

person applies to be registered who is not a citizen of the United States but states that he will be qualified to be registered as a citizen of the United States before the time upon which the election is to be held, the county clerk shall accept such registration, but shall write opposite the name of such person the words, "To be challenged for want of naturalization papers" and such person shall not be entitled to vote unless he exhibits to the judges of election his final naturalization papers.

Section 13. The county clerk of each county shall keep and preserve, in the manner hereinafter provided, all affidavits as provided for in Section 11 of this act, and shall number them in numerical order, according to the time in which the person is registered. He shall have all affidavits signed by any elector who has registered, bound together in book form in volumes containing affidavits of electors to the number of two hundred, and bound volumes of affidavits shall be kept and preserved by the county clerk as public records, and the affidavits contained therein shall be accepted by all courts of the State of Montana as conclusive proof that the elector signing such affidavit made the statements in said affidavit.

Section 14. The county clerk, at the time when any elector makes the affidavit provided for in this act, the entries required to be entered into the great register have been made in accordance with the provisions of this act, shall, immediately and in the presence of the elector, enter in the separate precinct register of the particular precinct in which the elector resides, an exact duplicate of everything entered by him in the great register. The county clerk shall also, at the same time and in the presence of the elector, enter in the separate precinct register of the particular school district precinct in which the elector resides, everything entered by him in the great register. The county clerk shall also enter, in the presence of the elector, in the separate precinct register of the particular precinct in which the elector resides in, in any city or town, situated within the county, everything entered by him in the

great register. He shall arrange in the precinct register, the school district register and the register for the precincts in any city or town, the names alphabetically, according to surnames, in the separate precinct registers for county, city, town or school precincts, but the same number given the elector in the great register shall be given him in each of the several separate precinct registers. The clerk or deputy shall then require the elector to sign his name in the great register; if able to sign, and if not, the clerk or deputy shall write the applicant's name and note the fact of his inability to sign the greater register.

Shall arrange names alphabetically.

Same number to be given in each book.

Signature of elector.

Section 15. Every elector residing within the county may be registered by personally appearing at the clerk's office and complying with the provisions of this act, but if any elector entitled to register, and who resides more than ten miles distant from the court house of said county, or if said elector is unable, for any reason, to conveniently register as aforesaid, he may register, without charge, before a notary public or a justice of the peace of the county in which he resides by making out, or having made out in his presence, one of the affidavits provided for in Section 11 of this act, and in addition thereto, signing the affidavit two times in the presence of two witnesses, freeholders of the county who shall sign their names on the said affidavit and by the electors and witnesses making oath thereto in the following form, which must be attached to the affidavit, provided for in Section 11 of this act, and shall be duly certified by the notary public or justice of the peace.

How electors may register.

If elector resides more than ten miles from court house.

Before a notary public or justice of the peace, how to be made.

State of Montana }
County of..... } ss.

We the undersigned witnesses, do swear that our names and signatures are genuine and that we are each personally acquainted with the elector and his residence, as stated in the foregoing affidavit, attached hereto, and that we believe all his other statements are true, and that we are each freeholders in this county.

To be attached to affidavit when registration not made before county clerk.

(Signatures)

(Residences)

.....
.....

• Subscribed and sworn to by the elector and the witnesses before me this.....day of.....191...

Justice of the Peace in and for County of
.....or Notary Public in and for
the county of.....

Blanks to be furnished justices of the peace and notary public.

Duty of justices and notaries in entering registrations.

Registration fee.

County to compensate.

Duty of county commissioners to audit accounts.

Entry by clerk of such registration.

Shall file and preserve affidavits.

Change of residence of elector; cancellation of former registration.

Section 16. The county clerk shall, upon application, supply any justice of the peace or notary public, with a sufficient number of blank affidavits as provided for in this act, free of charge; each justice of the peace or notary public who shall register electors shall, at the time he administers oath to the elector, enter their names in the record book kept by him for that purpose, in alphabetical order, according to surname and the date of application for registration. He shall not charge the elector anything, but he shall be entitled to receive from the county, the sum of twenty-five cents for each elector so registered by him, whose affidavit has been duly filed with the county clerk who has voted in the precinct where he registered at the next ensuing election. After each general election, the county commissioners shall audit such bills and order payment in accordance therewith. The county clerk upon receipt of the affidavits of any elector, made out in proper form and in the manner required by this act, from any justice of the peace or notary public, shall forthwith enter upon the great register the facts contained in such affidavit, and shall cut out or attach one of the signatures of the elector and paste the same opposite to the name of the elector in the column for signatures of the elector, and shall note the fact that such signature was detached from the affidavit. The county clerk shall file such affidavit of registration and give it proper numerical number, to which it is entitled, and such affidavit shall be kept and preserved by the county clerk in the same manner as all other affidavits of electors who may have made application to register.

Section 17. Every elector on changing his residence, after registering may, within the time for registering, cause his former registration to be cancelled, by a request in writing to the county clerk where he is registered, which request in writing shall be accompanied

by an affidavit of the elector in the following form:

State of Montana }
County of..... } ss.

Affidavit to
accompany appli-
cation for cancel-
lation and trans-
fer.

I, the undersigned elector, do solemnly swear (or affirm) that my name and signature, as signed below, is my true name and signature. If I have not personally signed it is for the following reasons:.....
.....;
and it was signed by my request by the attesting officer. That while a resident of..... presinct, in county, Montana, I registered, but on.....day of....., 19...., I moved my residence to section....., township range....., ... county, Montana, or if in a city or town to No....., ...Street in the City of....., I occupy room No.....of the..... floor; that at the time of making my original registration I was of the age of.....years and stated the fact to be that I was born in....., and that I was naturalized and became a citizen of the United States by.....; that my height was feet and.....inches. I therefore request the cancellation of my registration in said..... presinct in county, Montana, and that my registration be transferred to conform to my present address.

.....

Elector.

Which said affidavit shall be signed by the elector in the presence of two freeholders who will sign their names, state their place of residence and by the said elector and witnesses swearing to the truthfulness of the statement before some one authorized to administer oaths, which said statement of the two freeholders shall be in substantially the following form:

We, the undersigned witnesses, do swear that our names and signatures are genuine and that we are each personally acquainted with the elector and residence as stated, and that we believe that all his other statements are true and that we are each freeholders of the county.

Accompanying
affidavit of
witnesses.

(Signatures) (Residences)

.....
.....

Subscribed and sworn to by the elector and the two witnesses before me this day of, 19..
.....

Justice of the Peace in and for the town-
ship of.....or county of.....;
or notary public in and for the township
of or county of

Duty of the county clerk in cancelling and transferring registration.

Such affidavits shall be filed with the county clerk where elector was registered. The county clerk shall compare the signature of the elector with the signature upon the registration and if satisfied of the genuineness of the same, he shall file the communication and page the same, within the great register, and each of the presinct registers of the county, city or school district, in red ink, drawing a line through the electors name and writing "cancelled" and the number of the page where the blank is filed, and attest the cancellation by signing his own signature. The county clerk shall, upon the filing of said affidavit, enter the name of the elector in the proper presinct the same as a new registration; provided, however that the number given to the original registration shall be retained and used in the transfer of said registration, should the elector retain his residence within the same county. If any

Entry of name in proper precinct.

Original number to be retained.

When elector removes to another county.

elector who, having previously been registered, as provided by this act, remove from such county to another county in the State of Montana, he shall file with the county clerk of the county to which he has moved and wherein he then resides, an affidavit, as in this section provided. Upon the filing by the elector of such affidavit, the registration of such elector in the county wherein he has previously been registered shall be deemed cancelled and such elector shall thereafter be entitled to be registered in the county where he then resides. Upon the filing of the affidavit, as required in Section 17 of this act, by the county clerk of the county wherein such elector then resided, the county clerk shall forthwith and not more than two days thereafter, transmit to the county clerk of the county wherein

Duty of clerk of the county to which the elector has moved and registered.

such elector was previously registered, a certified copy of the affidavit of the elector. Upon the receipt of such certified copy of affidavit of the elector, as in this Section provided the county clerk shall thereupon cancel the registration of the elector in the great register and in the proper precinct registers of said county, in the manner and as provided for the cancellation of electors in this act.

Cancellation of registration when elector has registered in another county.

Section 18. All electors residing in the town or incorporated city which is the county seat or who reside within ten miles of the court house of said county and where the county clerk has his office, shall personally appear in the clerk's office and comply with the provisions of this section in order to be registered. The county clerk shall close all books of registration for the full period of thirty days prior to and before any general election, and for the full period of thirty days immediately preceding any primary nominating election and for the full period of ten days immediately preceding any city, town or municipal election, or municipal election, or municipal primary election, or school district election, and in red ink write on the line below where the last elector registered, "Closed on account of election to be held on". He shall then, immediately, in the index pages in the great register, opposite the name of each precinct, in writing certify the number of electors registered in each precinct and sign his name and title, and fix the seal of the county thereto, and he shall immediately transmit to the secretary of state, a certificate showing the number of voters registered in each precinct in said county; he shall likewise close the books of the precinct register of each precinct, or the precinct books for each municipal corporation, or the precinct books of each school district, and certify in each of the precinct registers the total number of electors registered in each precinct, and not cancelled, and sign the same with his official title and affix the seal of the county thereto. Whenever the period during which said book is to remain closed preceding any primary, municipal or school election, shall occur during

What electors must personally appear before clerk to be registered.

Time books to be closed prior to general and primary elections.

Preceding city or town elections, and school elections.

Certificate of number registered.

Certificate to secretary of state.

Closing other register books.

When books are closed for one election and remain open for another.

Condition of registration during such period.

Publication of notice of time of closing books.

Contents of notice.

Posting notice of closing register books.

When county clerk must cancel entry in the great register.

the same period, within which any elector would be entitled to register, to vote at a general election, said books shall be closed only insofar as the registration of electors for the particular election to be held. Any elector offering to register who will not be entitled to vote at the particular election for which said books of registration are closed, shall not be entitled to register. The county clerk of each county must cause to be published in each newspaper publication within his county for thirty (30) days before which time when such registry book shall be closed for any general election, primary and nominating election, city, town or municipal election, or municipal primary election, or school election, a notice signed by him to the effect that such registry book shall be closed on the day provided by law, and which day shall be specified in such notice; and must also state that electors may register for the ensuing election by appearing before the City Clerk at his office, or by appearing before a Justice of the Peace, or Notary Public in the manner provided by law. The publication of such notice must continue for the full period of thirty days.

The County Clerk must, at least thirty (30) days before the time when such registration book shall be closed for any general election, primary nominating election, city, town or municipal election, or municipal primary election, or school election, cause to be posted in not less than three (3) conspicuous places of each precinct in his county, notice of such publication, notice which shall be kept posted until the registration book shall be closed for the ensuing election."

Section 19. The County Clerk of each county must cancel the entry made in the great registered in all precinct registers in the following cases:

1. At the request of the party registered.
2. When he knows of the death or removal of the person registered from the county or when at any time it shall be made to appear, by the affidavits of two creditable and responsible, duly registered and qualified electors, of the county that any registered person is dead or permanently removed from the county, which

said affidavits shall be placed on file by the county clerk.

3. When the insanity of the person registered is legally established.

4. Upon the production of a certified copy of the judgment of conviction of any elector of any felony, in full force against the person registered, or upon information of such conviction obtained as hereinafter provided.

5. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

6. In all other cases in the manner provided by the provisions of this act.

All cancellations on the great register and precinct registers, made in accordance with and under the provisions of this act, by the county clerk and ex-officio register, shall be made by drawing a line through and across the entry of registration to be cancelled and the county clerk shall enter the date and cause, upon the great register, and such cancelled name shall not appear in the printed list of the registered voters, or in the certified copy of the list of registered voters to be furnished to the judges of election.

Manner of cancellation upon the great register.

Section 20. At any time not later than the fifth day prior to any general city or town, school district or primary nominating election, a challenge may be filed with the county clerk, signed by a qualified elector, in writing, and duly verified by the affidavit of the elector, that the elector designated therein is not entitled to register. Such affidavit shall state the grounds of challenge, objection and disqualification. The county clerk shall file the affidavit of challenge in his office as a record thereof. The county clerk must deliver a true and correct copy of any and all of such affidavits so filed, challenging the right of any elector to vote who has been so registered at the same time, and together with the copy of the precinct register and check list, and other papers required by this act to be delivered to the judges of election, as in this act provided, and he must write, distinctly, opposite to the name of any person to whose qualification as an elector, objections

Challenge filed with the county clerk.

Requirements of the challenge.

Clerk must deliver true copies of the challenges to the judges of election.

Judges to test qualification of challenged electors.

Challenge at the polls.

may be thus made, the words "To be challenged." It shall be the duty of the judges of election, if on election day, such person who has been objected to and challenged, applies to vote, to test, under oath, his qualifications. Notwithstanding the elector is registered, his right to vote may be challenged on the day of election, by any qualified registered elector, orally stating, to the judges of election, the grounds of such objection or challenge to the right of any registered elector to vote.

Judges must test qualifications of electors whenever and however challenged.

It is the duty of the judges of election when it appears that any elector offers to vote and is either challenged by a duly qualified registered elector, on election day, or if an affidavit of objection to the right of such elector to vote has been filed with the county clerk and the copy of the precinct register furnished to the judges of election, has endorsed thereon, opposite to the name of such elector, "To be challenged", to test the qualifications of the elector and ask any questions that such judges may deem proper, and shall compare the answers of the elector to such questions with the entries in the precinct register books, and if it be found that said elector is disqualified, or that the answers given by such elector, to the questions propounded by the judges do not correspond to the entry in the precinct register, or that said elector is disqualified from any cause, under the law, or if he refuses to take an oath as to his qualifications, he shall not be permitted to vote. The judges of election, in their discretion, may require such elector to produce before them, one or more freeholders of the county, as they may deem necessary, and have them examined, under oath, as to the qualifications of the elector.

Questions may be asked and answers compared with entries on registration books.

When elector shall not be permitted to vote.

Other evidence which judges may require.

Place of residence of elector to govern in registration.

Place of residence defined.

When residence has been gained or lost.

Section 21. For the purpose of registration or voting, the place of residence of any person must be governed by the following rules as far as they are applicable.

1. That place must be considered and held to be the residence of a person in which his habitation is fixed and to which, whenever he is absent, he has the intention of returning.

2. A person must not be held to have gained or lost a residence by reason of his presence or absence

while employed in the service of the United States, or of this state, nor while a student at any institute of learning, nor while kept at any almshouse or other asylum at the public expense, nor while confined in any public prison, nor while residing upon any Indian or Military reservation.

3. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed at any military or naval place within the same.

Soldiers, seamen
or marines.

4. A person must not be considered to have lost his residence who leaves his home to go into another state, or other district of this state, for temporary purposes merely with the intention of returning, provided, he has not exercised the right of the election franchise in said state or district.

When residence
not lost.

5. A person must not be considered to have gained a residence in any county into which he comes for temporary purposes merely without the intention of making such county his home.

Residence not
gained.

6. If a person removes to another state with the intention of making it his residence, he loses his residence in this state.

When moving to
another state with
intention of re-
maining.

7. If a person removes to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this state, notwithstanding he entertains an intention of returning at some future period.

Moving to another
state for an in-
definite time.

8. The place where a man's family resides is presumed to be his place of residence, but any man who takes up or continues his abode with the intention of remaining, or a place other than where his family resides, must be regarded as a resident of the place where he so abides.

Presumption of
residence.

9. A change of residence can only be made by the act of removal jointed with the intent to remain in another place. There can only be one residence. A residence cannot be lost until another is gained.

Intent to remain
must accompany
removal to make
change of resi-
dence.

10. The term of residence must be computed, by including the day on which the person's residence commences and by excluding the day of election.

How term of resi-
dence to be com-
puted.

11. Any person living upon an Indian or Military

Persons residing upon an Indian or military reservation.

reservation shall not be deemed to be a resident of Montana, within the meaning of this chapter, unless such person has acquired a residence in some county in Montana prior to taking up his residence upon such Indian or Military reservation; provided, that if such person shall not be in the employ of the Government while residing upon such Indian or Military reservation, such person shall not be considered a resident of the state of Montana.

Certificates of naturalization, when must be presented to registrar.

Section 22. When a naturalized citizen applies for registration his certificate of naturalization or a certified copy thereof must be produced and stamped, or written in ink by the registry agent with such registry agent's name and the year and day and county where presented, but if it satisfactorily appears to the registry agent, by the affidavit of the applicant (and the affidavit of one or more credible electors as to the credibility of such applicant when deemed necessary), that his certificate of naturalization or a certified copy thereof is lost or destroyed or beyond the reach of the applicant for the time being, said registry agent must register the name of said applicant, unless he is by law otherwise disqualified; but in case of failure to produce the certificate of naturalization or a certified copy thereof, the registry agent must propound the following questions:

When certificate of naturalization has been lost or destroyed.

Questions to be asked when certificate is not presented.

1. In what year did you come to the United States?
2. In what state or territory, county, court and year were you finally admitted to citizenship?
3. Where did you last see your certificate of naturalization, or a certified copy thereof?

Affidavit to be returned to clerk.

The said affidavit must be retained by the registry agent and returned with the register to the county clerk. No person shall be required to exhibit his naturalization papers or make said affidavit a second time, where he has been a continuous resident of the same district and where his name is upon the official register in the possession of the registry agent.

Naturalization papers need not be exhibited the second time; exception.

Clerk to furnish each election precinct two books of registered names.

Section 23. During the time intervening between the closing of any registration of electors and the day of the next ensuing election, each county clerk must carefully copy from the official register into suitable

books, two for each election precinct within his district, the names of the electors registered for such election precinct, alphabetically arranged, entering opposite each name the number it bears on the official register, together with words requiring challenges and all other entries therein found opposite the name, except the signature of the elector.

Section 24. The county clerk shall, at least ten days preceding any general city or town, school district or primary nominating election, cause to be printed a list of all electors entitled to be registered and who are upon the great register as entitled to vote in each and every precinct of such county, city, town or school district. Such printed list of registered electors shall contain the name of the elector in full, together with this residence and the registry number. The county clerk shall cause to be posted, not less than eight days before any such election as in this act provided for, at least five copies of such printed registry lists in at least five conspicuous places within the said precinct, a copy of the list of registered voters, and shall retain a sufficient number of said printed lists of registered voters in his office as may be necessary. He shall furnish to any qualified elector of the city, town, school district or county, applying therefor, a copy of the same.

Section 25. The county clerk shall, not less than five days preceding any said town or school district election, transmit to the city or town clerk or the clerk of the school board of such school district, two copies of the precinct registry for each precinct contained in any city or town or school district, which certified copy of such precinct registration shall be the official register for such city or town or school district election. The city or town clerk, or the clerk of the school board, of any school district, shall deliver to the judges of election of each precinct, two certified copies of such registration for such precinct as herein provided for, and as certified to them by the county clerk. The county clerk at least two days before any general or primary nominating election, shall deliver to one of the judges of election of the precinct within which such general

Ten days preceding municipal and school elections the county clerk shall have printed list of all registered electors.

Lists to be posted in each precinct, when.

Copies to be furnished electors upon application.

Clerk to transmit copies of precinct register not less than five days before municipal or school election.

Register to be delivered to the judges.

Clerk must deliver to judges certified copies of registered electors, when.

or primary nominating election is to be held, two certified copies of the electors registered and entitled to vote in such precincts.

Duties of judges
at election.

Duty of judges
immediately to
canvass the
returns.

Section 26. The judges of election in each precinct, at ever general election, shall, in the precinct register book, which shall be certified to them by the county clerk, in the column under the word "voted" mark a cross (X) upon the line opposite to the name of the elector, when said elector shall have voted. The judges of election shall, immediately after the election and canvass of returns of said election, deliver to the county clerk, one copy of the official precinct register, and the other copy of said official precinct register to the county clerk, sealed, with the election returns and poll books, which has been used at said general election, and said judges of election shall deliver to the county clerk, said official precinct register, not later than seven days after any general election held within the state of Montana.

A cross must be
placed by the
county clerk
opposite name of
each elector who
voted, in the great
register.

Section 27. The county clerk, as soon as practicable after every general election, and not later than the 31st day of December thereafter, shall mark in the great register, opposite to the name of each elector registered therein, in the proper precinct, with a cross (X) in the column under the word "voted", opposite to the name of such elector, as such electors may be shown to have voted by the official precinct register, delivered by and returned to the county clerk, by the judges of election for each precinct within the county.

Biennial great
register.
County clerk shall,
between 1st and
20th of January,
1913, and biennial-
ly thereafter, copy
names in the
great register.

Section 28. The county clerk of each county shall, between the 1st and 20th day of January, 1913, and biennially thereafter, copy into the great register, the names of all electors contained in the great register for the preceding two years, which are upon such great register for the preceding two years, and which said names of electors shall have voted at the general election in November, 1912 and biennially thereafter. The county clerk shall not enter upon the great register the name of any elector which may have been entered upon the great register for the preceding two years which shall have been cancelled for any cause, or which does not show that the elector voted and exercised the privi-

Names to be
omitted in renew-
ed great register.

lege of franchise in the general November election preceding it. The county clerk shall, at the same time, make and enter into the precinct registers for the several precincts in the county, school district, cities or towns, situate within said county, the names of the electors as shown by the official register, as residing within such precincts. The great register shall be closed and no person shall be entitled to register between the 1st day of January, 1913 and the 20th day of January, 1913 inclusive, but said great register shall be closed for all purposes except for the purpose of transferring the names to the great register and the precinct registers of the several precincts. The great register and the precinct registers herein provided for in the year, 1913, and biennially thereafter, shall constitute and be the official register for the ensuing two years. The county clerk shall enter into the great register and the precinct registers, the names of all electors entitled thereto, in addition to the names entered into the said great register, and taken from the great register of the preceding two years.

Precinct registers to be prepared biennially.

When great register closed biennially.

Additional names to be added to the biennial registers.

Section 29. The county clerk of the county shall receive, for the use and benefit of the county, from every city or town and from every school district, for making and preparing the two copies of the precinct registers, the sum of two cents for each and every name entered therein. The city or town council or board of school trustees shall order a warrant drawn for such sum as may be due for such copies of the official precinct register, to be used in city or school election within thirty days after the presentation to them of a bill or account showing the amount due from the county clerk.

Amount to be paid by cities, towns and school districts to county for preparation of registers.

When account to be paid.

Section 30. The county clerk shall furnish to any person or persons who in writing may request a copy of the official precinct registers of any county, city or school district precinct, and upon delivery thereof, shall charge and collect for the use and benefit of the county the sum of two cents for each and every name entered in such official precinct register.

Clerk to furnish copies of precinct registers to any person applying and paying for same.

Section 31. The county clerk shall, if the city or town council or board of school trustees, fail, neglect

Clerk to procure precinct registers when city, town or school district shall fail to furnish same.

How paid for.

Parties to action to compel entry of names in the great register.

What copies of register shall be used at special elections.

Special election clerks to furnish register when.

No person can vote unless his name is on copy of official register furnished to the judges.

Appearance of name prima facie evidence of right to vote.

If identity of person is questioned proof to be required.

or refuse to furnish the proper number of precinct registers for precincts within the city or town or school district, procure precinct registers therefor and the cost thereof shall be a charge against the city or school district, and shall be paid for by the city council or board of school trustees in the same manner as is provided for copies of the official precinct registers.

Section 32. In any action or proceeding instituted in a district court to compel the county clerk to make and enter the name of any elector in the great register, as many persons may be joined as plaintiffs for cause of action and as many persons as there are causes of actions against, may be joined as defendants.

Section 33. At any special election held for any purpose in any county, copy of the official register and check list which were printed or written before and used at the last preceding general election, must be used and no new registration need be made.

Section 34. Before the day on which such special election is appointed to be held, the county clerk must furnish one of the judges in each election precinct, at a time not later than one day next preceding the day of election, a copy of the official register and check list for his precinct, but no copies need be posted.

Section 35. No person shall be entitled to vote at any election mentioned in this act, unless his name shall, on the day of election, appear in the copy of the official register or check list, furnished by the county clerk to the judges of election, at the precinct at which he offers to vote; and the fact that his name so appears in the check lists and in the copy of the official register, in the possession of the judges of election, shall be prima facie evidence of this right to vote; provided, that when the judges shall have good reason to believe, or when they shall be informed by a qualified elector that the person offering to vote is not the person who was so registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name.

Section 36. Wherever in this act the word "county

clerk" appears it shall be construed as extending and giving authority to any regularly appointed deputy county clerk.

Authority of
deputy clerk.

Section 37. Any person or persons or any officer of any county, city or town or school district who, under the provisions of this act are required to perform any duty, who shall wilfully and knowingly fail, refuse or neglect to perform such duty, or to comply with the proceedings of this act shall, upon conviction be fined in a sum not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a period of not less than three months nor more than one year. Upon the conviction of any officer for the violation of the provisions of this act, the judge of the district court hearing such proceeding shall, at the time of rendering judgment of conviction, include in such order of conviction, an order of the court that such officer be removed from office.

Any person or
officer who shall
knowingly fail,
refuse or neglect
to perform re-
quired duty.

Penalty.

Order of court to
remove officer
convicted.

Section 38. If any person offering to vote at any primary election be challenged by a judge or any qualified elector at said election, as to his right to vote thereat, an oath shall be administered to him by one of the judges that he will truly answer all questions touching his right to vote at such election, and if he refuse to answer any question which may be put to him touching his right to vote at such election, or if it appear that he is not a qualified voter under the provisions of this act, his vote shall be rejected; and if any person whose vote has been so rejected shall offer to vote at the same election, at any other polling place, he shall be deemed guilty of a misdemeanor.

Oath administered
to persons chal-
lenged at primary
elections.

Refusal to answer
questions.

Rejection of vote.

Misdemeanor to
offer to vote at
other polling place.

Section 39. Any person who shall make false answer, either for himself or another, or shall violate or attempt to violate any of the provisions of this act, or knowingly encourage another to violate the same, or any public officer or officers or other persons upon whom any duty is imposed by this act, or any of its provisions, who shall wilfully neglect such duty, or shall wilfully perform it in such way as to hinder the objects and purposes of this act, shall excepting where some penalty is provided by the term of this act, be

Acts which shall
constitute a
felony.

Punishment.

deemed guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the State prison for a period of not less than one year or more than fourteen years, and if such person be a public officer, shall also forfeit his office.

Repealing clause.

Section 40. All acts and parts of acts and all amendments thereto in conflict herewith are hereby repealed.

Act to take effect.

Section 41. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 6, 1911.

CHAPTER 114.

An Act to Amend Section 4050 of the Revised Codes of the State of Montana of 1907, as Amended by Senate Bill No. 96 of the Twelfth Legislative Assembly of the State of Montana, Relating to the Classification of Insurance Corporations, Granting Certain Powers Thereunder, and Providing Certain Restrictions and Exceptions in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section
4050, Revised
Codes, 1907.

Section 1. That Section 4050 of the Revised Codes of the State of Montana, of 1907, as amended by Senate Bill No. 96 of the Twelfth Legislative Assembly of the State of Montana, be amended to read as follows:

Lawful for any
insurance com-
pany organized
under chapter, to.

It shall be lawful for any corporation organized under this chapter and doing business in this state: 1. To insure houses, buildings, and all other kinds of property against loss or damage by fire or other casualty, and to make all kinds of insurance on goods, merchandise, or other property in the course of transportation, whether on land or water; to insure against loss or damage to motor vehicles resulting from accident, collision or marine and inland navigation and transportation perils; and to insure growing crops against loss or damage resulting from hail or the elements. 2. To make insurance on the health of persons and against the personal injury, disablement, or death, resulting from traveling or general accident by land or water. 3. To insure the fidelity of persons holding places of public or

private trust, and to furnish surety on official bonds, and for the performance of other obligations; and to receive on deposit and insure the safekeeping of books, papers, moneys, stocks, bonds and all kinds of personal property. 4. To insure horses, cattle, and other stock, against loss or damage by accident, theft, or any unknown or contingent event whatever, which may be the subject of legal insurance, to lend money on bottomry or respondentia, and cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan or loans which it may make on mortgages, bottomry or respondentia, and generally to do all things proper to promote these objects. To insure plate glass against breakage, and steam boilers against explosion, and against loss or damage to life or property resulting therefrom; against loss by burglary or theft, or both; against damage by water caused by the breakage or leakage of sprinklers, pumps, water pipes or plumbing and its fixtures, and accidental injury to such apparatus; and to permit liability insurance in all its branches. 5. To insure titles and credit. No corporation organized under this chapter, or transacting business in this state, shall expose itself to loss on any one risk or hazard to an amount, exceeding ten per cent. of its paid up capital, or write on a risk within the corporate limits of any one city an amount representing more than the paid up capital of the corporation, unless the excess shall be insured by the same in some other good and reliable company or companies. The restriction as to the amount of risk any such corporation shall assume, shall not apply to corporations organized to guarantee the fidelity of persons in places of public or private trust, or to corporations that receive on deposit and guarantee the safe keeping of books, money, papers and other property.

Section 2. Nothing in the Act shall be construed as to alter, change, modify or repeal any existing statute, which provided or established the amount of the capital required of any, or all, classes of insurance corporations herein mentioned. Combinations may be per-

Act does not
modify or repeal
any law estab-
lishing amount of
capital required.

Company may combine different classes of business.

Fire insurance companies confined to classes set forth in paragraph one.

Capital required when classes of business are combined.

Health and accident may be combined with life insurance.

Proviso.

Repealing clause.

mitted of the different classes herein established, under one incorporation, except that fire insurance companies may not transact any other character of business than that designated in paragraph one of the preceding chapter; and provided further that where such combinations may be formed the minimum capital shall be equal to the amount provided by law for each of the different classes so combined.

Section 3. Nothing in this Act shall be construed preventing the transaction of health and accident insurance in combination with life insurance; provided, however, that the minimum capital of such corporation shall equal the amount required of both classifications.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6th, 1911.

CHAPTER 115.

"An Act to validate filings heretofore made by corporations, domestic or foreign, in the office of the Secretary of the Territory or State of Montana, and in the offices of County Clerks, of copies of articles of incorporation or of charters or statutes under which such corporations were formed, when such copies are true and correct copies but the same were not duly certified as such by the official custodian thereof in the Territory or State of Montana or in any other State or Territory, and providing for a second filing of such articles, charters, or statutes, and the fees to be paid therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That whenever heretofore any corporation, whether formed under the laws of the Territory or State of Montana or the laws of any other State or Territory, has filed in the office of the Secretary of the Territory or State of Montana, or of the County Clerk of any County in said Territory or State, or of both, any copy of its articles of incorporation, or charter, or of any statute or statutes creating such corporation or

Validating uncertified and deficiently certified copies of articles of incorporation, charters and statutes creating corporations heretofore filed, with proviso.

defining its powers, in conformity to the requirements of the laws of Montana then in force, which copy was a true and correct copy of its said articles, or of its said charter, or of said statute or statutes, but such copy or copies were not properly, or at all, certified as true and correct by the legal custodian of the original or originals thereof, such uncertified or defectively certified but true and correct copy or copies are hereby accepted, on behalf of the State of Montana as a substantial and satisfactory compliance with the requirements of the laws of Montana then in force and such filings are hereby declared valid and lawful in all respects and for all purposes to the same extent and with the same legal effect as if such true copy or copies had been fully and duly certified, prior to being filed, by the legal custodian of the original or originals thereof; provided that, before any such corporation shall have the benefits of this act and before such defective filings shall be cured, as hereby provided, and become operative as lawful filings from the date of the original filing thereof, such corporation shall, within six months from the date of the final passage of this Act, file in the office of the Secretary of State of the State of Montana and in such other public office or offices as are now designated by law as the place or places where such documents would now be filed if any such corporation were now for the first time making such filings, file a true and correct copy of its said articles, charter or statute or statutes, and all amendments thereof, duly certified as true and correct and complete copies thereof, duly certified as such by the present lawful and official custodian of the originals thereof.

Provided that such corporations shall within six months file true copies duly certified.

Section 2. That whenever any such corporation as is referred to in the first section hereof shall have complied with the provisions of said section and made the filings thereby required, said corporation shall be deemed, and is hereby declared, to have fully complied with all of the requirements of the laws of the Territory and State of Montana and of the constitution and laws of the State of Montana, concerning such filings, and is hereby vested with all the rights, privileges and immunities, which would have been enjoyed by it if

When such corporations shall be deemed to have complied with requirements of laws.

it had in all respects complied strictly at the time of its first filings with all of the requirements of the law then in force and applicable thereto, all such rights, privileges and immunities being hereby conferred as of the date of the first filings of such true but uncertified copies.

The secretary of state shall receive a fee of \$5 only, and the county recorder a fee of \$1 only, for such filings.

Section 3. That upon complying with the provisions of sections 1 and 2 hereof, any such corporation shall be and hereby is released from the payment of any fees, or other charges, to the Secretary of the State of Montana or to any County Clerk of any county in Montana, which may or might have become due under or by reason of the provisions of any other laws of this State; provided that, before the acceptance and filing of said new certified copies by the Secretary of State, a filing fee of \$5.00 shall be paid to him by or on behalf of said corporation and that any county clerk in whose office any such new filings shall be made under the provisions of this Act, shall likewise require to be paid to him, by or on behalf of said corporation, a filing fee of \$1.00.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith or inconsistent with the provisions of this Act are hereby repealed.

Section 5. This Act shall take effect from and after the date of its final passage.

Approved March 6th, 1911.

CHAPTER 116.

"An Act Providing for the Establishing of a State Board of Poultry Husbandry, Prescribing the Duties of Such Board and Appropriating Money Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

State board of poultry husbandry.

Appointment of.

Term of service.

Section 1. That the Governor of the State of Montana shall appoint a Board, as soon as possible after the passage of this Act, to be known as the State Board of Poultry Husbandry. Said Board shall consist of three members. Each member of said Board shall serve for a term of four years, or until his successor is appointed.

Section 2. The said Board shall investigate and bring to the attention of those engaged in Agricultural pursuits and others the value and importance of poultry raising in the State of Montana, and shall publish for free distribution, reports and bulletins pertaining to the advancement of poultry husbandry. Said Board to act in conjunction with the State and Local Poultry Associations and shall supervise the holding of an annual poultry exhibition.

Duties of board.

Section 3. The said Board shall serve without pay and shall submit an annual report in writing to the Governor on or before the 20th day of December of each year. The said Board shall be empowered to appoint a Secretary at a salary not to exceed One Hundred and Twenty Dollars per annum.

To serve without pay.

Annual reports.
Secretary and his salary.

Section 4. That the sum of Fifteen Hundred Dollars, or as much thereof as may be necessary, be, and the same is hereby appropriated, which sum shall be used for the payment of the salary of the secretary of said board, the securing of data and information and for the publication and free distribution of reports and bulletins on poultry husbandry, and also for the providing of suitable coops and fixtures for holding an annual poultry exhibition.

Appropriation.

Money to be used
for what.

Section 5. This Act shall take effect and be in full force from and after its approval by the Governor.

Act shall take effect.

Approved March 6th, 1911.

CHAPTER 117.

"An Act to amend Section 3168 of the Revised Codes of Montana of 1907, relating to the Fees of County Clerks."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3168 of the Revised Codes of 1907, be, and the same is, hereby amended to read as follows:

Amending Section
3168, Revised
Codes, 1907.

Section 3168. For filing and recording each instrument of writing allowed by law to be recorded except as hereinafter provided, for first folio thirty cents.

Fees of county clerk.

For each subsequent folio or fraction thereof, fifteen cents.

For each entry in index, ten cents.

For certificate that such instrument has been filed and recorded with seal affixed, fifty cents.

For searching any index record of files of the office, for each year when required, in abstracting or otherwise, fifteen cents.

For abstract of title, when required made from original records and files, for each conveyance, incumbrance, or other instrument affecting title, fifty cents.

For a copy of any record or paper, for each folio, fifteen cents; provided that in all cases where copies of any record or paper are to be certified by the County Clerk and such copy is furnished to said clerk for certification, said clerk shall not make a charge nor receive a fee for the comparison and certification of such copy, other than the fee of fifty cents for his certificate and seal.

For filing and recording each declaratory statement of location of quartz, or placer mining claim, millsite claim, or notice of appropriation of water, including indexes, Two Dollars.

For filing and indexing each chattel mortgage, a writ of attachment, execution, certificate of sale, lien or other instrument required by law, to be filed and indexed, fifty cents.

For recording and platting each townsite or map, for each lot up to and including one hundred, twenty-five cents.

For each additional lot in excess of one hundred, five cents.

For recording the field notes of survey of any townsite, per folio, twenty-five cents.

For filing, recording and indexing each affidavit of annual labor on mining claim, for each claim named therein, One Dollar.

For filing and indexing each certificate of incorporation or annual statement of any corporation, One Dollar.

For each entry of discharge or satisfaction of mortgage, lien or other instrument on the margin of record thereof, or upon the original instrument, and noting same in index, twenty-five cents.

For administering an oath with certificate and seal, except in application for pension, or in pension certificates, for which no charge shall be made, fifty cents.

For taking and certifying an acknowledgment, with seal affixed for each signature thereto, fifty cents.

For filing and indexing each affidavit for renewal of chattel mortgage, fifty cents.

For filing and indexing each affidavit of butcher, of brands of cattle slaughtered, fifty cents.

For recording and indexing transcripts in estray and lost property cases, One Dollar.

For recording and indexing any land office Registers final certificate, (50) Fifty cents.

For recording and indexing a real estate mortgage, short form, One Dollar and Fifty Cents.

For recording and indexing a real estate mortgage, long form, Two Dollars; except when such mortgage exceeds ten folios in which case for every folio over ten an additional twenty cents.

For recording and indexing quit claim deed, short form, One Dollar.

For recording and indexing warranty deed, short form, One Dollar and fifty cents.

For filing, or recording, or indexing, any other instrument not herein expressly provided for, the same fee as hereinbefore provided for a similar service.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1911.

CHAPTER 118.

An Act to amend Sections 8, 10, 22, 53, 54, 55, 56, 57 and 61 of Chapter 147 of the Montana Session Laws of 1909.

An Act providing for the Management and Control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof and the management, protection, and disposition of the timber growing thereon and the coal, oil and minerals therein; providing for the management and control of the funds realized from the sale and rental of State Lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of Water rights for use upon State Lands; defining and providing for the punishment of certain offenses for violating the provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8 of Chapter 147 of the Laws of 1909, be amended so as to read as follows:

"Section 8. The State Land Agent shall under the direction and control of the State Board of Land Commissioners, to do all acts required of him to be performed by the said board, and he shall do and perform all of the field work in the selection, examination, appraisal and the re-appraisal of State Lands, except timber lands, and other outside work required to be done under the provisions of this Act, and not herein otherwise provided for, under the direction of the register of State Lands. He shall, under the direction of the State Board of Land Commissioners, select and locate all lands except timber lands, which are now, or may hereafter be granted to this State by the general government for any purpose whatever, and he shall select lands in lieu of those sold or otherwise disposed of by the United States in Sections 16 and 36, and said lieu lands shall be selected in legal subdivisions. Upon making such selection, the State Land Agent shall report to the State Board of Land Com-

Amending
Section 8, Chap-
ter 147, Laws 1909.

Duties of state
land agent.

Field work; selec-
tion, examination,
appraisal and
re-appraisal of
state lands made
under direction of
the register of
state lands.

To select lieu
lands.

Reports to state
board of land
commissioners

missioners fully in regard to the location and character of the lands selected; and he shall certify all such selections to the State Board of Land Commissioners. And the register of State Lands shall take such necessary steps to secure the approval of such selections by the proper officers of the General Government.

Section 2. That Section 10 of Chapter 147 of the Laws of 1909, be amended so as to read as follows:

"Section 10. The State Forester shall, under the direction and control of the State Board of Land Commissioners, do all the field work in the selection, location, examination, appraisement, and re-appraisement of state timber lands, whether now belonging to the state or hereafter granted to the state; he shall do all acts required of him to be performed by the said board, and under the direction of said board shall have general charge of the timber lands of the state. He shall act as secretary of the Forestry Board. He shall, under the supervision of the State Board of Land Commissioners, execute all matters pertaining to forestry within the jurisdiction of the state; have charge of all fire wardens of the state, and direct and aid them in their duties; direct the protection and improvement of state parks and forests; take such action as is authorized by law to prevent and extinguish forest, brush, and grass fires; enforce the laws pertaining to forest and brush-covered lands, and prosecute for any violation of such laws. He shall deliver a course of at least six lectures on practical forestry to the students attending the State University, the State Agricultural College, and the State Normal School, during each school year. He shall prepare annually a report to the Governor on the progress and condition of the state forest park, and recommend therein plans for improving the state system of forest protection, management and replacement. He shall furnish notices, printed in large letters on cloth, calling attention to the danger from forest fires, and to the forest fire and trespass laws and their penalties. Such notices shall be posted by the fire warden in conspicuous places in the several counties of the state, and particularly in brush and forest covered country, at frequent intervals along

Duty of register of state lands.

Amending Section 10, Chapter 147, Laws 1909.

Duties of state forester under direction of board of land commissioners.

Selection, location, etc., of state timber lands.

Other duties.

Secretary of the forest board.

General supervision of forest lands, forests and fire wardens under direction of state board of land commissioners.

Enforce laws and prosecute for violations thereof.

To deliver a course of lectures on practical forestry.

Annual report to the Governor.

Notices of danger of fire and trespassing.

Posting of Notices

streams and lakes frequented by tourists, hunters, and fishermen, at established camping sites, and in every postoffice in the forested region."

Section 3. That Section 22 of Chapter 147 of the laws of 1909, be amended so as to read as follows:

"Section 22. The State Board of Land Commissioners shall have power to appoint one clerk whose salary shall be such sum as the board may fix and allow, not exceeding the sum of Fifteen Hundred (\$1500.00) Dollars per annum who shall give a bond to the State in such sum as the Board of Land Commissioners may designate, and he shall act as clerk of the register, of the State Land Agent, and of the State Forester, without extra compensation; and said board may employ all such other office force as may be necessary to carry out the provisions of this act, and may designate one of said office force as Receiving Clerk and may require such Receiving Clerk to give such bond as the Board may order, and to make purchase of all necessary books, plats and other supplies."

Section 4. That Section 53 of Chapter 147, of the laws of 1909, be amended to read as follows:

"Section 53. The State Board of Land Commissioners shall have power to sell timber on state lands at such price per thousand feet as in its judgment shall be for the best interest of the state, but not otherwise; but no such sale of live timber shall be made at a less price than three dollars per thousand feet. But no live timber less eight inches in diameter, twenty feet from the ground, shall be sold or permitted to be cut. All timber sold or cut from state lands shall be cut and removed, under such rules and regulations for the preservation of standing timber, and the prevention of fires, as the State Board of Land Commissioners shall prescribe; in all cases the board must require the person cutting the timber to pile the brush and slashings and dispose of the same in such manner as to prevent forest fires. Before any permit shall be granted, the timber shall be estimated and appraised under the direction of the state forester, upon the request, and subject to the approval of the State Board of Land Commissioners, which estimates and appraisal shall show

Amending Sect.
22, Chapt. 147,
Laws 1909.

State Board of
Land Commission-
ers, appointment
of Clerk.

Salary of Clerk.

Bond.

Clerk of Land
Agent and State
Forester.

Board may em-
ploy other officers,
appoint a Re-
ceiving clerk and
provide supplies.

Bond of Receiv-
ing Clerk.

Amending Sect. 53
of Chapt. 147,
Codes of 1909.

Selling State tim-
ber and lands;
power of Board
of Land Commis-
sioners.

Minimum price of
live timber per
thousand.

Least dimensions
of timber permit-
ted to be sold or
cut.

Rules and regula-
tions for cutting
and running tim-
ber.

Brush and slash-
ing.

Timber to be es-
timated before
permit is granted.

as nearly as may be the amount and value per thousand feet of all timber measuring not less than eight inches in diameter, twenty feet from the ground, and also all other timber measuring below this standard on each tract or lot, together with a statement of the situation of the timber relative to risk from fires or damage of any kind, its distance from the nearest lake, stream, or railroad, and its value and position as a protection to a water shed."

Section 5. That Section 54 of Chapter 147, of the Laws of 1909, be amended so as to read as follows:

"Section 54. No permit for cutting live timber shall be granted except to the highest bidder at a public sale held at the State Capitol, notice of which sale shall be published as provided by law, for the sale of state lands, but no sale shall be made at a less price than the appraised value of the timber as fixed by the State Board of Land Commissioners; and no timber shall be sold after the passage of this act until the same has been re-appraised and estimated since March 19, 1909. Every person purchasing timber at such sale, before the execution of the permit to cut the same, shall execute a bond to the State of Montana, in double the amount of the estimated value of the timber permitted to be cut, with sufficient sureties, to be approved by the board, conditioned upon the payment to the State Treasurer of the amount that may be found due under the terms of such permit, and according to the provisions of law, and further conditioned upon the cutting of such timber in compliance with such rules and regulations as may be prescribed by the State Board of Land Commissioners."

Section 6. That Section 55 of Chapter 147 of the Laws of 1909, be amended so as to read as follows:

"Section 55. All permits to cut live timber under the provisions of this Act, shall be made according to a form prescribed by the Attorney General, and shall be signed by the party applying for the same and by the president and secretary of the State Board of Land Commissioners.

Said permits shall contain a description of the land to be cut upon, the estimated amount of timber upon

What estimates and appraisements shall show.

Amending Section 5, Chap. 147, Laws of 1909.

Permits to cut timber shall be sold to highest bidder at public sale.

Notice of sale; publication of.

Minimum price.

Re-appraisal required.

Bond to be given by purchaser of permit.

Amending Sect. 55 of Chap. 147, Laws of 1909.

Form of permits to cut timber.

How signed.

What permit shall contain.

Logs to remain
property of the
state until paid
for.

Permit to be
recorded.

State Forester
may issue permit
to citizens to cut
and take away
dead timber,
when

Down timber
without price.

Amending Sect.
56, Chapt. 147,
Laws 1909.

State Forester
to select and
designate log
marks for each
person granted
permits.

Shall be filed
where.

To differ from
others.

Forester to cause
all logs to be
scaled, and make
report to board of
land commis-
sioners.

Contents of re-
port.

the same, the amount of large timber required to be left standing, the time which said timber shall be removed, the price per thousand feet, or the entire value of the timber, if the right to clear the land has been sold, for which the same was bid in, the stipulated log mark, and such other terms and conditions as may be necessary to make all logs cut under its provisions the absolute property of the state, until the same are paid for. Such permits, when properly executed, shall be recorded in the office of the register of the State Board of Land Commissioners, and the log mark described therein shall vest the ownership of all logs bearing the same in the State. Provided, however, that the State Board of Land Commissioners may authorize the State Forester to issue permits without notice to citizens of Montana to cut and take away dead standing timber under such rules and regulations as to price and quality as may be prescribed by the board, and provided further that the State forester shall issue permits without notice to citizens of Montana to cut and take away down timber, without price, under such rules and regulations as may be prescribed by the board."

Section 7. That Section 56 of Chapter 147, of the Laws of 1909, be amended so as to read as follows:

"Section 56. The State Forester shall select and designate a log mark for each person granted a permit to cut logs upon state lands, which log mark, when so selected and designated, shall be filed in the office of the register of state lands, and shall be distinctly different from any other log mark selected and designated by him. The State Forester shall cause all logs so cut to be scaled, and make a detailed report of the same, to the State Board of Land Commissioners on or before the first day of every month, showing the name of the party cutting, the description of the land cut upon, the number of logs cut and marked, the mark placed thereon, the total number of feet, and the value thereof per thousand, as shown by the records of this office, stating whether such cutting has been according to the terms of the permit, and, if not properly cut, the consequent damage to the state; and such timber, or logs, shall not be sold, transferred or manu-

factured into lumber until the amount due the state, according to the report of said forester, shall have been paid in full; and it shall be the duty of the state forester to report to the State Board of Land Commissioners all trespass which has been, or which hereafter be made upon the state timber lands, and all logs cut by trespassers shall be disposed of as hereinafter provided."

Section 8. That Section 57 of Chapter 147, of the Laws of 1909, be amended so as to read as follows:

"Section 57. Upon receipt of such report from the State Forester, the Register of State Lands shall draw a draft for the amount upon the party from whom the stumpage is due. If said party shall immediately make payment of the required amount, the Register shall execute a release of the logs, and transfer of the mark thereon; but in no case shall such release or transfer be made until the lien of the state has been fully satisfied. If such purchaser shall not pay the amount of such draft within ten days after receipt of same, it shall be the duty of the State Board of Land Commissioners to take possession of the logs in question, and sell the same at public auction to satisfy the claim of the State, paying the overplus, if any, after defraying the cost and expenses of such sale to the party entitled thereto, provided, that if the proceeds of such sale are insufficient to pay the amount due upon the purchase price, together with the costs and expenses of the sale the amount of such deficiency shall be certified to the Attorney General by the State Board of Land Commissioners and he shall immediately proceed to collect such deficiency from the purchaser or his bondsman; and, provided, that in lieu of taking possession of the logs upon which stumpage is due, the State Board of Land Commissioners may turn the account over to the Attorney General, who shall immediately proceed to collect the same upon the bond hereinbefore provided for; but in no case shall the logs be released until the account is paid. The proceedings upon the bond shall not prevent the State Board of Land Commissioners from seizing the logs at any time before the claim of the State is satisfied."

Logs not to be sold or transferred until paid for.

Forester to report all trespasses on state lands.

Amending Section 57 of Chapter 147, Laws of 1909.

Register shall draw a draft for amount due, when.

If amount is paid a release shall be given and mark transferred.

Land commissioners shall take possession of logs when.

To sell same at public auction.

In case proceeds of sale are not sufficient to pay state's claim.

Attorney general to collect deficiency from bondsmen.

Suit may be brought against bondsmen without first taking possession of logs.

But logs not to be released until paid for.

Board may seize, notwithstanding proceedings.

Amending
Section 61,
Chapter 147,
Laws 1909.

State forester to
select and design-
ate a brand to
be placed upon all
seized logs, timber,
etc.

Any person, com-
pany or corpora-
tion or their agent
who shall sell or
dispose of any
such property
after it has been
seized or marked,
or in any way
remove the marks
or brand, is guilty
of felony.

Penalty.

Act shall take
effect.

Section 9. That Section 61, of Chapter 147, of the Laws of 1909 be amended so as to read as follows:

"Section 61. The State Forester, under the direction of the State Board of Land Commissioners, shall select and designate a brand, which shall place, or cause to be placed, upon all timber, logs, boards or planks, that may be seized, as provided for in this Act. Any person, or persons, or any officer or employee of any company, association, or corporation, who shall remove, sell or dispose of any property mentioned in this act, after the same has been seized or marked with the state brand, or who shall erase, deface, cut, or destroy any mark upon any such property, shall, upon conviction, be imprisoned in the state prison for a term of not less than one year, nor more than three years, and be subject to a fine of not less than Five Hundred, (\$500.) Dollars nor more than Five Thousand, (\$5000.00) Dollars."

Section 10. This Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1911.

CHAPTER 119.

"An Act authorizing the issuance of permits to cut and take away timber for domestic purposes from State timber lands."

Be it enacted by the Legislative Assembly of the State of Montana:

Permits may be
given to bona fide
citizens of state
to timber in small
quantities to be
used for domestic
purposes.

Section 1. The State Board of Land Commissioners are hereby empowered to authorize the State Land Agent or the State Forester to issue permits without notice to bona fide citizens of the State of Montana authorizing such citizens to cut and take away from the timber lands of the State, timber in small quantities to be used by such citizens for domestic building and fuel purposes only, under such rules and regulations as to price and quantity as may be prescribed by the said Board.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7th, 1911.

CHAPTER 120.

An Act to regulate the operation of all coal mines in the State of Montana, to provide for their inspection and the qualifications of inspectors and certain other employees of coal mines and to codify all laws with references to the operation of all coal mines in the State of Montana, repealing Sections 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709 and 1710, 2023 of the revised codes of the State of Montana and Chapters 64 and 65 of the Laws of 1909.

Be it enacted by the Legislative Assembly of the State of Montana :

Coal Mine Inspector.—Appointment.—Term of Office.

Section 1. This act shall be known as the coal mining code of the State of Montana. Coal mining code

Section 2. The Governor, by and with the advice and consent of the Senate, shall appoint one State Coal Mine Inspector qualified as hereinafter provided, who shall hold office for a term of four years from the date of his appointment, unless otherwise removed by the Governor. State coal mine inspector, appointment.

Term of office.

Qualifications of Inspector.

Section 3. No person shall be eligible to the office of State Coal Mine Inspector until he shall have attained the age of thirty years. He shall be a citizen of the United States, a qualified resident of the state of Montana, shall have been actually employed at coal mining ten years prior to his appointment and shall possess a competent knowledge of all the different systems of coal mining and working and properly ventilating coal mines, and the nature and constituent parts of noxious and explosive gases of coal mines, and of the various ways of expelling the same from the said mines. He shall have passed a successful examination by the Board of Examiners and his certificate of qualification shall have been filed with the Governor by the said Board of Examiners, as provided by law. Qualifications.

Shall have passed a successful examination by the board of examiners.

Salary of Inspector.

Section 4. The salary of the State Coal Mine In-

Salary of coal mine inspector and necessary traveling expenses.

Official bond.

Shall examine coal mines.

Must notify person in charge of his intention to examine.

Must inquire into what.

Health and safety of employees.

Compliance with law.

Owner must furnish means of inquiry and examination.

Mines to be examined at least every three months.

To make record of visits.

When he must notify employes of intention to inquire into enforcement of code.

spector shall be twenty-five hundred dollars per annum and all necessary and traveling expenses. The State Coal Mine Inspector shall file with the State Treasurer a bond, approved by the Governor of the State, in the sum of five thousand dollars (\$5000), for the faithful performance of his duties.

Powers and Duties of Inspector.

Section 5. The State Coal Mine Inspector shall have the right, and it is hereby made his duty, to enter, inspect, and examine any coal mine or any shaft, drift or slope in the process of sinking for the purpose of mining coal in this State and the workings and the machinery belonging thereto, at all reasonable times, either by day or night, but not so as to impede or obstruct the workings of the mine, and when such inspection is contemplated he shall first notify the person in charge of his intention to make such examination. He shall also have the right and it is his duty to make inquiry into the condition of such mine, workings, machinery, scales, ventilation, drainage, method of lighting or using lights, and into all methods and things connected with or relating to, as well as to make suggestions providing for the health and safety of persons employed in or about the same, and especially to make enquiry whether or not the provisions of the laws providing for the regulation of coal mines, or other acts which may hereafter be enacted governing coal mines, have been complied with. The owner, operator or superintendent of such mine is hereby required to furnish the means necessary for such entry, inspection, examination, enquiry and exit. It shall also be the duty of the said Coal Mine Inspector to carefully examine all the coal mines in operation in this State at least every three months and oftener if necessary; to see that every precaution is taken to insure the safety of all the workmen that may be engaged in said coal mine. The said Inspector shall make a record of the visit, noting the time and the material circumstances of the inspection. At the time of making his regular quarterly inspection, in the event of the Inspector having in his possession any complaint in writing to the effect that

the mining code is being violated, he shall notify the employes that he is about to make such inspection, and if the employes, in some proper manner, select one of their number to accompany the Inspector on such inspection, he shall permit such employe to so accompany him. In the event of no such selection being made, the Inspector may, if he so desire, request some employee to accompany him. The owner or operator shall at all times have the right to personally accompany the Inspector while inspecting his property, or to designate some one to so accompany him.

Owner may accompany inspector in making inspection.

Inspector Must Not Be Employed by Companies.

Section 6. The said State Coal Mine Inspector while in office shall not act as agent for any corporation, superintendent or manager of any mines, and shall in no manner whatever be under the employ of mining companies nor shall he be interested in any coal mining operation either as owner, lessee or otherwise. It shall be the duty of the said State Coal Mine Inspector, on or before the first day of January of every year, to make a report to the Governor of his proceedings as such State Coal Mine Inspector and the conditions of each and every coal mine in the State, stating therein all accidents that have happened in or about said mine or mines, and to set forth in said report all such suggestions as he may deem important as to any further legislation on the subject of coal mines.

Inspector must not be in employ of operator or interested in any coal mine operation.

Annual report to governor.

Instruments to be Furnished to Inspector.

Section 7. For the more efficient discharge of the duties herein imposed upon him, the said State Coal Mine Inspector shall be furnished at the expense of the State with an anemometer, a safety lamp and whatever other instruments or other appliances may be necessary in order to carry into effect the provisions of the acts regulating coal mines.

State must furnish necessary instruments.

Inspector to Post Statement of Mine at Entrance.

Section 8. The State Coal Mine Inspector shall post up in some conspicuous place at the top of each mine visited and inspected by him, a plain statement of the conditions of such mine, showing what in his judgment is necessary for the better protection of the lives and health of persons employed in such mine; such

Inspector must post notice at top of mine giving its condition and needs.

Other notice to be posted at landing.

statement shall give the date of inspection and be signed by the said Inspector. He shall also post a notice at the landing used by the men, stating what number of men may be permitted to ride on the cage, car or cars at one time, and at what rate of speed men may be hoisted and lowered on the cage, car or cars in accordance as hereinafter provided for in this act. He must observe especially that the code of signals provided in the act regulating coal mines between engineer and top men and bottom men, is conspicuously posted for the information of all employees.

To require notice of signals to be posted.

Appointing substitute in case inspector is unable to perform duties.

Temporary Vacancy in Office, How Filled.

Section 9. In case the State Coal Mine Inspector becomes incapacitated and cannot perform the duties of his office for a longer period than two weeks, it shall be the duty of the Governor to deputize some competent person having the qualifications provided in this act to fulfill the duties of the said Inspector until the said Inspector shall return to the performance of his official duties, and the person deputized by the Governor shall be paid by the State out of any moneys in the general fund of the State not otherwise appropriated, for the services rendered at the same rate as received by the State Coal Mine Inspector.

Qualifications and compensation of substitute.

Filling vacancy in the office of coal mine inspector.

In case of the death, resignation, or removal from office of the State Coal Mine Inspector before the expiration of the term of office, the Governor shall appoint a duly qualified person as provided in this act, to fill the vacancy for the unexpired term.

Inspector ex-officio sealer of weights and measures.

Shall be ex-officio sealer of weights and measures in connection with business of coal mining.

Section 10. The State Coal Mine Inspector is hereby made, equally with the County Clerk, ex-officio sealer of weights and measures, in so far as the same relates to coal mines and coal mining, and as such is empowered to test and compare all weights and measures used in weighing and measuring coal at any coal mine, or used in measuring air passages or other openings in coal mines, with the standards of weights and measures kept by the County Clerk of any County. Upon the written request of any coal mine owner or operator or ten coal miners employed at any one mine, it shall be his duty to test and prove any scale or scales at such

Powers as sealer of weights and measures.

Duty to test scales when.

mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner, lessor or operator to the fact and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and correct weights, and he shall forbid the further operation of such scale until such scales are adjusted. In the event that such test shall conflict with any test made by any County sealer of weights and measures, or under and by virtue of any municipal ordinance or regulation, then the test by such State Coal Mine Inspector shall prevail.

When and how to direct correction in scales.

When his tests shall prevail.

Standard test weights to be furnished to Inspector.

Section 11. For the purpose of carrying out the provisions of this Act, the State Coal Mine Inspector shall be furnished by the State with such sets of standard weights suitable for testing the accuracy of track scales, and of all smaller scales at mines, as may in the judgment of the State Coal Mine Inspector be necessary; said test weights shall remain in the custody of the State Coal Mine Inspector for use at any point within the State, and for any amounts expended by him for the storage, transportation or the handling of the same, he shall be fully reimbursed upon making proper entry of the proper items in his expense voucher.

State shall furnish inspector with standard weights, as the inspector shall deem necessary.

Custody of weights.

Cost of transportation, storage and hauling standards.

Refusal of Mine Operator to furnish facilities for examination.

Section 12. If any owner, lessor or operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the Inspector shall file his affidavit setting forth his refusal, with the judge of the District Court in said County in which said mine is situated, either in termtime or vacation, and obtain an order on such owner, operator or agent so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

Inspector to apply to the district court in case inspection and facilities therefor are refused.

Investigation of charges for neglect of Duty.

Section 13. Whenever a petition signed by fifty or more reputable citizens, legal residents of the State, ver-

When charges are filed against coal mine inspector in district court for negligence, malfeasance or incompetency.

Bond accompanying charges.

Duty of the court. Citation to issue.

Hearing.

County attorney must prosecute charges.

Sworn by oath by two or more of the said petitioners, and accompanied by a bond in the sum of five hundred dollars, running to the State, executed by two or more freeholders, approved and accepted by the Clerk of the District Court of the County or Counties of their residence, conditioned for the payment of all costs and expenses arising from the investigation of the charges is filed with the clerk of the district court setting forth that the State Inspector of Mines neglects his duties or is incompetent, or is guilty of malfeasance in office or misfeasance in office, it shall be the duty of the District Court of the County to issue a citation in the name of the State to the said inspector, to appear, at not less than five days notice, on a day fixed, before said court, and the court shall then proceed to enquire into and investigate the allegations of the petitioners; such action shall be prosecuted by the County Attorney.

Penalties for violation of duty.

If court finds charges to be true it shall certify fact to the Governor.

Governor to declare the office vacant.

Costs to be paid, in such event, by the inspector.

Section 14. If the Court finds that the said State Coal Mine Inspector is neglectful of his duties or incompetent to perform the duties of his office, or that he is guilty of malfeasance or misfeasance in office, the court shall certify the same to the Governor, who shall declare the office of said State Coal Mine Inspector vacant, and proceed in compliance with the provisions of this Act to fill the vacancy; and the costs of such investigation shall, if the charges are sustained, be imposed upon the said State Coal Mine Inspector.

Board of Examiners of Applicants for Coal Mine Inspector.—Appointment.

Board of examiners: appointment.

To consist of whom.

Section 15. The Governor of the State shall within sixty days after the passage of and approval of this Act, upon the recommendation of the coal miners of this State, appoint one practical coal miner actively employed in coal mining in the State of Montana, and one mine manager or superintendent, who shall be recommended to the Governor by the majority of the coal mine operators of the State of Montana, and one practical coal mining engineer; the three so named by the Governor shall constitute a Board of Examiners to pass upon the qualifications of applicants for State Coal Mine Inspector of the State of Montana. They

shall hold office for four years and until their successors, appointed in the same manner, are appointed and qualified.

Term of office of members of the board.

Scope of Examination.

Section 16. It shall be the duty of the said Board to examine into the qualifications of all applicants for appointment to the position of State Coal Mine Inspector of the State of Montana, by conducting a thorough examination as to their knowledge of mine workings, ventilation, gases, fire damp, machinery and actual experience in under-ground coal mining, and to acquaint themselves with the personal character, habits and general worthiness of each applicant. The general examination shall be in writing, and the manuscript and other papers of all applicants, together with the tally sheets and the solution of each question as given by the Examining Board, shall be filed with the Secretary of the State as public documents, but such applicants shall undergo an oral examination pertaining to explosive gases and safety lamps. All candidates shall be allowed the use of such text books as in the discretion of the board may be deemed proper, during the examination. The Board of Examiners shall confine the examination of applicants to subjects such as are designated in this section. No person shall be certified as competent whose average per cent shall be less than 75 per centum and his certificate shall show what per cent the applicant has attained, and such certificate shall be valid only when signed by a majority number of the Examining Board. The Examining Board shall, immediately after the examination, furnish to each person who came before it to be examined a copy of all questions, whether oral or written, which were given at the examination, on printed slips of paper, which shall be marked solved right, imperfect or wrong as the case may be, together with a certificate of competency to each candidate who shall have made at least 75 per centum.

Duty of board of to examine all applicants for position of state coal mine inspector.

Scope of examination.

Manner of examination.

Papers to be filed with secretary of state.

Oral examination on what subjects.

What books may be used.

Required average per cent for certification.

Certificate of qualifications.

Board to furnish each person who has been examined his markings on written slip.

Applications for Examinations—How Made.

Section 17. Applications to the said Board for examination for State Coal Mine Inspector must be made in

Application for examination and accompanying affidavit.

writing and accompanied by an affidavit that the applicant is a citizen of the United States, a resident of the State of Montana, and that he has attained the age of thirty years; has had at least ten years experience in underground coal mining in the United States and at least one year's experience in underground coal mining in the State of Montana.

Selection by Governor.

Names to be filed by the board with the governor.

Board shall also certify to the governor as qualified one who has served capably as coal mine inspector for one full term.

Disqualification.

Section 18. The Board of Examiners shall file with the Governor the names of all persons who shall have successfully passed the examination. From those so named the Governor shall select one person to be State Coal Mine Inspector, provided that any one who has served capably as State Coal Mine Inspector for one full term, upon making written application to the Board setting forth these facts, shall be certified to the Governor as properly qualified for appointment, but no man shall be eligible for the appointment as State Coal Mine Inspector, who has any pecuniary interest in any coal mine, either directly or indirectly, as owner, leasee, or employer, or otherwise.

Vacancy in Inspectorship—How filled.

Governor shall fill vacancies from list of persons certified by the board to be qualified.

Section 19. As often as vacancies occur in the office of State Coal Mine Inspector, caused either by death, resignation, removal for malfeasance or misfeasance as provided for in Section 14 of this Act or as otherwise determined as with other officers of the State, the Governor shall fill the same by appointment for the unexpired term by selecting a person whose name is on file in his office as provided for in Section 18 of this Act.

Meetings of Examining Board—Oath of Office.

Oath of office of members of the board.

Section 20. The Board of Examiners appointed under this Act shall each take the following oath of office before some person only authorized by law to administer an oath, We do solemnly swear or affirm that we will perform the duties devolving upon us to the best of our ability, and that in rejecting or recommending applicants for the position of State Coal Mine Inspector for the State of Montana we will be governed by the evidence of qualification to fill the position under the law creating the same, and not by any con-

sideration of political affiliation or personal favors; that we will certify all whom we may find qualified, and who shall have passed the required examination, according to the Act and none other, to the best of our knowledge and judgment. The Board shall meet for the purpose of examining applicants for the position of State Coal Mine Inspector on the second Monday in December, 1912, in the City of Helena, at the State Capitol in the office of the State Coal Mine Inspector, and on the second Monday in December every two years thereafter. The Secretary of State shall furnish whatever blanks, blank books, printing or stationery the Board may require in the discharge of its duties. Public notice of meetings of the Board for the purpose of holding examinations shall be given by the Board, by the posting of notices in the post office in the several coal mining towns throughout the State at least fifteen days previous to the date of the examination, and by publication in at least two daily papers published in the City of Helena, for ten consecutive days previous to the holding of the examination.

Time and place for holding meetings of the board to conduct examinations.

Secretary of state to furnish blanks, books, stationery, etc.

Notice of meeting of the board to be given when and where.

Examination—Certificate of Fitness.

Section 21. The Board shall then proceed to the examination of those who may present themselves as candidates for said office, and who shall have complied with the requirements necessary to entitle such applicant to be examined as provided for in Section 17 of this Act, and after a thorough examination as to knowledge and qualification of said applicants the said Board of Examiners shall certify to the Governor the names of all such applicants who have successfully passed the required examination for the position of State Coal Mine Inspector as required under the provisions of the law.

At such meetings the board shall proceed to examine whom.

Shall certify to the governor what names.

Compensation of Board of Examiners—Expenses.

Section 22. The Board of Examiners shall receive as compensation Six Dollars (\$6.00) per diem for the time not exceeding ten days actually engaged in the performance of the duties imposed upon them in this Act and their actual expenses, such compensation to be paid out of the General fund in the manner provided by law.

Compensation and expenses of the board.

Appointment of Inspectors—How Made.

Governor shall appoint state coal mine inspector.

Section 23. The Governor shall, from the names certified to him by the said Board of Examiners, appoint a State Coal Mine Inspector for the State of Montana, who shall hold office for the period of time as required by the law creating such office.

Appointment of Examining Board.

Board of coal mine inspectors shall be appointed every four years.

Section 24. Every four years the Governor shall in the manner provided in Section 15 appoint a Board of Examiners to pass upon the qualifications of applicants for Coal Mine Inspector, which Board shall be constituted, sworn and paid and shall perform the same duties as the Board provided for in Section fifteen (15) of this Act, during the term for which they were appointed, (and from the names certified to by them the Governor shall appoint a State Coal Mine Inspector for the State of Montana).

Reappointment of Inspector not prohibited.

Coal mine inspector may be re-appointed when.

Section 25. Nothing in this Act be construed as preventing the reappointment by the Governor of any State Coal Mine Inspector, who shall have successfully passed the required examination and qualified as hereinbefore provided for.

Examining Board may adopt rules.

Rules and regulations of conducting examinations.

Section 26. Each successive Board of Examiners shall have the power to adopt their own rules and regulations for examination as will best serve the purpose of this Act; said rules not to conflict with the manner of examination as prescribed in Section sixteen (16) of this Act.

Vacancies in Examining Board—How filled.

Vacancies in the board of examiners.

Section 27. Vacancies upon the said Board of Examiners shall be filled by the Governor, in accordance with the intent and provisions of this Act.

Board for Examination of Applicants for Position of Mine Foreman, Etc.

County examining board: how appointed, and to consist of whom.

Section 28. On petition of the State Coal Mine Inspector a judge of the District Court of any County where coal is mined shall appoint an examining board of three persons, consisting of the State Coal Mine Inspector, a miner and an operator or superintendent, to be known as the County Examining Board. The

members of said Examining Board shall be citizens of the United States and legal residents of the State of Montana, and shall hold office for the term of two years or until their successors have been appointed and qualified. The persons so appointed shall, after being duly organized as a Board, take and subscribe before an officer authorized to administer the same, the following oath namely: We, the undersigned do solemnly swear or affirm that we will perform the duties of examiners of applicants for the position of mine foreman, mine examiner, or fire boss for the coal mines of Montana to the best of our abilities, and that in certifying or rejecting said applicants we will be governed by the evidence of the qualifications to fill the positions under the law creating the same, and not by any consideration of personal favors; that we will certify all whom we find qualified and none other.

Qualifications.

Term of office.

Official oath of members.

Scope of Examination.

Section 29. The examination shall consist of oral and written questions on theoretical and practical mining, on the nature and properties of noxious, poisonous and explosive gases found in the mines, and on the different systems of working and ventilating coal mines. During the progress of the examination the use of such text books as the Board shall approved shall be allowed applicants during the examination, and the Board shall issue to those examined and found to possess requisite qualifications, certificates of competency for the position of mine foreman, mine examiner or fire boss; but such certificates shall be granted only to persons of twenty-three (23) years of age, or over, of good moral character, citizens of the United States and residents of the State of Montana, and with at least five years practical experience in the working of coal mines. All papers and blanks, blank books and stationery used at the examination, to be furnished by the Board of County Commissioners of the Said County and each candidate for examination shall be given such questions, as are required, in writing and each question shall be on a separate paper.

Scope of examination.

What text books may be used.

Certificates of competency to be issued to whom.

Other required qualifications.

Board of county commissioners to furnish board with what materials on examinations.

Questions to be in writing on separate slips of paper.

Candidates must return such papers to the Board,

Questions and answers to be returned, signed.

Question and answer papers to be filed where.

with answer to questions thereon, attested by his signature. All question papers and answers shall be filed in the office of the County Clerk and Recorder, in and for the County where examinations are held, and kept by him in some secure place, subject to examination at any time.

Certificates as Mine Foreman.

To whom certificates of qualification a mine foreman shall be granted.

Form of certificate.

Section 30. Certificates of qualifications to mine foremen in the coal mines of Montana, shall be granted by the Board of Examiners herein provided for, to each applicant who shall have passed a successful examination showing his knowledge of mine workings, ventilation, gases, fire damp and his actual experience in underground coal mining. The certificates shall be in a manner and form as shall be prescribed by the State Coal Mine Inspector, who shall keep a record in his department of all such certificates granted. Each certificate shall contain the full name and age and birthplace of applicant and also the length or nature of his previous service in coal mines.

Qualifications for Mine Examiners.

Qualifications of applicants for certificates as mine examiners or fire boss.

To pass satisfactory examinations on what subjects.

Section 31. Persons seeking certificates of competency as Mine Examiners or fire boss must produce evidence satisfactory to the Board that they are citizens of the United States, residents of the State of Montana, have had at least five (5) years practical experience in working of coal mines, at least twenty-three (23) years of age, and of good repute and temperate habits. They must prepare to submit and satisfactorily pass an examination as to their experience in mines generating dangerous and explosive gases, their practical and technical knowledge of the nature and properties of fire damp, the laws of ventilation, and the structure and use of the safety lamp.

Examining Board shall grant certificates.

The county examining board shall meet upon call of the state coal mine inspector.

Section 32. The said Board of Examiners shall meet at the call of the State Coal Mine Inspector, who shall call them upon receipt of five requests for examination and shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mine foreman as above classified, or mine examiner or fire

boss and such certificate shall be sufficient evidence of the holder's competency for the duties of said position so far as relates to the purpose of this Act; provided that any person who shall have been employed as Mine Foreman, continually for a period of one year preceding the approval of this Act, by the same firm, person or corporation, shall be granted a certificate without undergoing such examination, but shall not be employed by any other person, firm or corporation without having successfully undergone such examination. No person shall be certified as competent whose average percentage shall be less than seventy-five (75) per centum on his entire examination, and such certificates shall designate the position qualified for and shall be valid only when signed by a majority of the Examining Board.

When call shall be made.

Shall grant certificates to whom.

Certificate shall be evidence of what.

To whom certificates shall be granted without examination.

What standard on examination required for certificate.

Certificates may be issued to those holding proper Certificates.

Section 33. The Board may exercise its discretion, in issuing certificates of any class, without examination, to persons presenting with proper credentials certificates for the same or a similar position issued by competent authorities in this or other States; provided, however, that for every such certificate issued, the Board shall charge a fee of five (\$5.00) Dollars.

Issuing certificates to persons presenting proper certificates from other states or competent authorities.

Fee for issuing such certificates.

Applications for Examination—How Made—Fees.

Section 34. An applicant for examination for any certificate herein provided for, before being examined, shall register his name with the State Coal Mine Inspector, at Helena, Montana, and file with him the credentials required by this Act, to wit: An affidavit as to all matters of fact establishing his rights to and qualifications for receiving the examination, and a certificate of good character and temperate habits, signed by at least ten (10) of the citizens who know him best in the place in which he lives. Each candidate, before receiving the examination, shall pay to the State Coal Mine Inspector the sum of two (\$2.00) dollars as an examination fee, and those who pass the examination for which they are entered, before receiving their certificate, shall also pay to the State Coal Mine Inspector the further sum of three dollars (\$3.00) each as a certificate fee. All such

What required upon application for examination.

Affidavit and certificate of good character.

Fee to be paid before receiving examination.

Certificate fee.

Fees to be turned over to state treasurer.

fees shall be duly accounted for by the State Coal Mine Inspector and turned into the State Treasurer at the close of the fiscal year.

Compensation of Examining Board.

Compensation of county examining board and traveling expenses.

Section 35. The members of the Examining Board except the State Coal Mine Inspector shall receive as a compensation the sum of five dollars (\$5.00) each day, for a term not exceeding two meetings of five days each in any year, and whatever sum is necessary to reimburse them for such travelling expenses as may be incurred in the discharge of their duties. All such salaries and expenses of the members of the Board shall be paid upon vouchers duly sworn to by each member of the said Board and approved and ordered by the State Board of Examiners, and the State Auditor is hereby authorized to draw his warrants on the State Treasurer for the amount thus shown to be due, payable out of any money in the State Treasury not otherwise appropriated.

How and by whom paid.

Violations.

Acting as mine foreman, mine examiner or fire boss without a certificate, guilty of an offense against this act.

Section 36. (a) Any person who acts in the capacity of mine foreman, mine examiner or fire boss without a certificate of competency as provided for in this Act, shall be deemed guilty of an offense against this Act, provided, however, the State Coal Mine Inspector shall have the power to grant permits to persons to perform the duty of mine foreman, mine examiner or fire boss as provided for in this Act, who may be employed by any company, corporation, association, person or persons engaged in the operating of any coal mines in the State of Montana until such time as the person so employed has had an opportunity to be examined as to his competency by the Board of Examiners provided for in this Act, but no longer.

Provided that state coal mine inspector may grant temporary certificates until when, in certain cases.

Employing an uncertified mine foreman, mine examiner or fire boss an offense against this act.

(b) Every company, corporation association, person or persons operating any coal mine or coal mines in the State of Montana, who employs any uncertified mine foreman, mine examiner or fire boss, except as provided for in Section 33 of this Act, shall be deemed guilty of an offense against this Act, provided, however, that in cases of emergency any competent man may be employed and act as a temporary mine foreman, examiner

Proviso, in case of an emergency.

or fire boss until a certificate or permit can be obtained, not to exceed a period of thirty (30) days, without violating this Act or incurring any of its penalties.

Necessary to have Maps of Coal Mines.

Section 37. Every operator of every coal mine in this State shall make or caused to be made an accurate map or plan of such mine, drawn to a scale of not less than two hundred feet to one inch, and as much larger as practicable, on which shall appear the name of the State, County and township in which the mine is located, the designation of the mine, the name of the Company or owner, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made.

Maps and plans of coal mines.

Scale and other requirements of map and plan.

Underground Survey.

Section 38. For the underground working the said map shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine, all excavations, entries, rooms and crosscuts, the rise or dip of the seam from the bottom of the shaft, mouth of drift or slope in either direction to the face of the workings, the location of the fan or furnace, the location of the permanent pumps, hauling engines, engine planes and firewalls, the location of any standing water which might prove a menace to life or danger to property from flood, and the line of any contiguous surface outcrop of the seam.

What underground workings map shall show.

Map for every seam.

Section 39. A separate and similar map, drawn to the same scale in all cases, shall be made of each and every seam, which, after the passage of this Act, shall be worked in any mine, and the maps of all such seams shall show all shafts, drifts, tunnels, incline planes or other passage ways connecting the same.

Map shall be made for each seam worked, showing what.

Map of the Surface.

Section 40. Every such map or plan, or at the option of the operator a separate map, shall show the surface boundary lines contiguous to the workings and pertaining to each mine, also all section or quarter section lines and corners, town lots and streets, the tracts and side tracts of all railroads, the location of all wagon

Surface map shall show what. May be separate if desired.

Surface maps shall be drawn on what, when separate.

roads, rivers, streams, ponds, buildings landmarks and principal objects on the surface within the said boundary lines; and in all cases if of a separate surface map the same shall be drawn on transparent cloth or paper so that it can be laid upon the map of the underground workings and thus truly indicate the relative location of the lines and objects on the surface to the excavations of the mine.

Copies of Maps for State Coal Mine Inspector.

Original maps, or true copies, to be kept in office at the mine and copy furnished the state coal mine inspector.

Section 41. The original or true copies of all such maps shall be kept in the office at the mine, and true copies thereof shall also be furnished the State Coal Mine Inspector within thirty days after completion of the same. The maps so delivered to the Inspector shall be the property of the State and shall remain in the custody of the said Inspector during his term of office and be delivered by him to his successor in office. They shall be kept at the office of the Inspector and be open to inspection by all persons interested in the same, but such examination shall only be made in the presence of the Inspector and he shall not permit any copies of the same to be made without the written consent of the operator or owner of the property, under penalty of removal from office.

To be property of the state and remain in custody of inspector.

Kept at office of inspector and open to inspection to whom, in presence of inspector.

Not to permit copies to be made, except when.

Annual Surveys.

When annual extensions of surveys of mines shall be made and entered upon the original maps.

Section 42. An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months, prior to July 1st of every year, and the result of said survey, with the date thereon, shall be promptly and accurately entered upon the original maps so as to show all changes in plain or new work in the mine and all extensions of the workings to the most advanced face or boundary of said workings which have been made since the preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the State Coal Mine Inspector, or new copies thereof be furnished him, within thirty days after the last survey is made. Whenever the operator of any mine shall neglect or refuse, or for any cause not satisfactory to the State Coal Mine Inspector fail, for a period of three months, to furnish to the said State Coal Mine

What they shall show.

To be entered upon the copies of maps filed with state coal mine inspector, or new copies are to be furnished.

When operator of mine fails or refuses to furnish map and plans to state coal mine inspector.

Inspector the map or plan of such mine, or a copy thereof or of the extension thereto, as provided for in this Act, the said State Coal Mine Inspector is hereby authorized to make or cause to be made an accurate map or plan of such mine at the expense of the owner or leaser thereof, and the cost of the same may be recovered by law from said owner, leaser or operator in the same manner as other debts by suit in the name of the state.

Inspector to have survey and map made at cost of operator or owner.

Collection of cost.

Abandoned Mines.

Section 43. When any coal mine is worked out or is about to be abandoned or indefinitely closed the operator of the same shall make or cause to be made a final survey of all available parts of such mine, and the results of the same shall be duly extended on all maps of the mine and copies thereof, so as to show all excavations and the most advanced workings of the mine, and their exact relations to the boundary or section lines on the surface.

Maps and surveys to be made before mine is abandoned or indefinitely closed.

What map shall show.

The State Coal Mine Inspector may order a survey to be made of the workings of any mine which is about to be abandoned, or of which he has reason to believe the maps are inaccurate, whenever in his judgment the safety of the workmen, the support of the surface, the conservation of the property or the safety of an adjoining mine requires it. Such survey shall be paid for by the State.

When state coal mine inspector may order such surveys to be made.

Survey to be paid for by the state.

Mine Operators to furnish wash houses for employes.

Section 44. It shall be the duty of the owner, operator or superintendent of any coal mine in the State of Montana to provide a suitable building, not an engine or boiler house, for the use of the persons employed in such mine for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall not be over 800 feet from and convenient to the principal entrance of such mine when practical to do so. When not practicable to build the wash house within the said distance and still conform to the other requirements of this section the State Coal Mine Inspector may give written permission to place the building at a greater distance from the mine than that herein

Wash houses to be furnished for employes.

Where wash houses to be placed.

Inspector may give permit to place wash houses elsewhere, when.

How wash houses
are to be main-
tained.

specified and the operator shall not be guilty of violation of this section. The said building shall be maintained in good order, be properly lighted and heated and supplied with pure cold and warm water, and be provided with facilities for persons to wash and a suitable locker for each person to be used by him as a repository for his clothes.

Malicious injury
or destruction of
such buildings or
appliances therein.

If any person shall maliciously injure or destroy or cause to be injured or destroyed, the said building or any part thereof, or any of the appliances or fittings used for supplying light, heat or water therein or doing any act tending to the injury or destruction thereof, he shall be deemed guilty of an offense against this Act and subject to a fine as hereinafter provided for.

Oath of Weighman—Check Weighman.

Oath of weighman.

Section 45. The weighman employed at any mine shall subscribe to an oath or affirmation before some officer authorized to administer oaths, to do justice between employer and employee, and to truly and correctly weigh the output of coal from the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator or lessee of any mine in this State shall have the privilege, if they desire, of employing at their own expense a check weighman, who shall have like equal rights, powers and privileges in the weighing of coal as the regular weighman and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weight office, and any weigher of coal or person so employed, who shall knowingly violate any of the provisions of this section, or any owner, operator or agent of any coal mine in this State who shall forbid or hinder miners employing or using a check weighman as herein provided, or who shall prevent or wilfully obstruct any such check weighman in the discharge of his duty, shall be deemed guilty of an offense against this Act. Whenever the State Coal Mine Inspector, or his deputy, shall be satisfied that the provisions of this section have been wilfully violated, it shall be his duty to forthwith inform the prosecuting attorney of any such violation, together with all the facts within his knowledge

Miners may em-
ploy check-weigh-
man.

Rights, powers,
privileges and oath
of check weigh-
man.

Oath to be posted
where.

Other offenses
against this act.

Duty of coal mine
inspector and dep-
uties regarding
violations of sec-
tion.

and the prosecuting attorney shall thereupon investigate the charges so preferred, and if he is satisfied that the provisions of this section have been violated, it shall be his duty to prosecute the person or persons guilty thereof.

Duty of prosecuting attorney.

Must not use false weights.

Section 46. Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines must not arrange or construct them so that fraudulent weighing may be done thereby, and must not knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this Act.

Using false weights or arranging scales to weigh falsely forbidden.

General Equipment of Shafts.

Section 47. Every hoisting shaft must be equipped with safely constructed substantial cages fitted to guide rails running from the top to the bottom of shaft. Said cages must be furnished with suitable boiler iron covers to protect persons riding thereon from falling objects and with sheet iron or steel casings on each side, not less than one-eighth inch in thickness, or wire netting of not less than one-eighth inch in diameter. They must be equipped with safety catches, said safety apparatus, whether consisting of eccentrics, springs or other devices, must be securely fastened to each cage and must be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk. Every cage must be fitted with iron bars, chains or rings in proper place and sufficient in number to furnish a secure hand hold for every person permitted to ride thereon. Gates not less than four feet high from the bottom of the cage shall be fitted to each cage and must be used during the regular hoisting or lowering of men; provided that when such cage is used for sinking only it need not be equipped with such doors as are hereinbefore provided for. At the top landing cage supports, when necessary, must be carefully set and adjusted so as to act automatically and securely hold the cage when at rest.

Equipment of hoisting shafts.

Equipment of cages.

Safety catches.

Hand holds.

Gates on cages.

Cages used in sinking.

Landing cage supports.

Passage ways
around landing
places.

Passage Way around the Bottom of Shafts.

Section 48. At the bottom of every shaft and at every caging place therein a safe and commodious passageway must be cut around such landing place to serve as a travelway by which men or animals may pass from one side of the shaft to the other without passing under or on the cage.

Gates at the Top of Shafts.

Landing places to
be kept clear of
loose materials and
fenced with gates.

Section 49. The upper and lower landings at the top of each shaft and the opening of each intermediate seam from or to the shaft, shall be kept free and clear from loose materials and shall be securely fenced with automatic or other gates, so as to prevent either men or materials from falling into the shaft.

Two Places of Egress.

Two or more
places of egress to
surface shall be
maintained in
every coal mine.

Time allowed
within which such
places of egress
shall be con-
structed.

Section 50. For every coal mine in this state, whether worked by shaft, slope or drift, there shall be provided and maintained in addition to the hoisting shaft, slope or drift or other place of delivery a separate escapement shaft, slope or drift or opening to the surface, or an underground communication passageway between every such mine and some other contiguous mine, such as shall constitute two distinct and available means of egress to all persons employed in such coal mine. The time allowed for completing such escapement shaft or drift or making such connections with an adjacent mine, as is required by the terms of this Act, shall be three months for shafts, slopes or drifts two hundred feet or less in depth or length, six months for shafts, slopes or drifts less than than five hundred feet in depth or length and more than two hundred, and twelve months for all other shafts, slopes or drifts or connections with adjacent mines. The time to date in all cases from hoisting of coal from main shaft, slope or drift.

Unlawful to Employ More Than Ten Men.

Number of men
who can be em-
ployed until places
of egress are com-
pleted.

Section 51. It shall be unlawful to employ at any one time more men than in the judgment of the State Coal Mine Inspector is absolutely necessary for speedily completing the connections with the escapement shaft, slope or drift or adjacent mine and said number must not exceed ten men at any one time for any pur-

pose in said mine until such escapement connection is completed.

Passageways to Escapement.

Section 52. Such escapement shaft or opening, or communication with an adjacent mine aforesaid, shall be constructed in connection with every seam of coal worked in such mine, and all passageways communicating with the escapement shaft or place of exit, from the main hauling ways to said place of exit, shall be maintained free of obstructions, at least five feet wide and five feet in height. Such passageways must be so graded and drained that it will be impossible for water to accumulate in any depression or dip of the same, in quantities sufficient to obstruct the free and safe passage of men. At all points where the passageway to the escapement shaft or other place of exit is intersected by other roadways or entries, conspicuous signboards shall be placed indicating the direction it is necessary to take in order to reach such place of exit. Where pillars are being drawn on an entry outside of where other men are working, or where more than 50 per cent of the coal is taken out in rooms, connections for escapement shall be made with some adjoining entry to provide a safe exit for the men.

Escapement shafts or other places of egress shall be connected with each seam worked, and the same shall be kept free of obstructions.

Such passageways must be kept free of water.

Signboards to be maintained at intersections.

Other exits required, when.

Distance of Escapement From Main Shaft.

Section 53. The distance between the main shaft and escapement shall not be less than one hundred feet where steel headframes are used, nor less than three hundred feet where wooden headframes are used, provided, that where slopes or drifts are driven in or on the coal strata, the distance between the escapement road or travelway and the slope drift or hauling way shall not be less than fifty feet.

Limit of distances of escapements from main shaft.

Buildings on Surface.

Section 54. It shall be unlawful to erect any inflammable structure or building in any space intervening between the main shaft, slope or drift and the escapement shaft, slope or drift on the surface, or any powder magazine in such location or manner as to jeopardize the free and safe exit of the men from the mine by said escapement shaft, slope or drift in case of fire in the main shaft, slope or drift buildings.

Inflammable structures not to be maintained between main shaft and other escapements.

Powder magazines not to be located where.

Stairway or Cages in Escapement Shaft.

Equipment of escapement shaft in rooms not deeper than one hundred feet.

Stairways, hand-rails and platforms.

In mines deeper than one hundred feet.

Cages.

Section 55. The escapement shaft at every mine which does not exceed one hundred feet in vertical depth shall be equipped with safe and ready means for the prompt removal of men from the mine in time of danger, and such means shall be a substantial stairway which shall be provided with handrails and with platforms or landings not more than ten feet apart. Where the escapement exceeds one hundred feet in vertical depth, in place of the stairway, it may be equipped with a cage for hoisting men, and such cage must be suspended between guides and be so constructed that falling objects cannot strike persons being hoisted upon it. Such cage must be operated by steam or electricity which power shall be kept available for immediate use at all times and equipment of said hoisting apparatus shall include a depth indicator, a brake on the drum, a steel or iron cable and safety catches on the cage; and all such hoisting machinery must be inspected at least once each week by some competent person representing the operating company or owner.

Obstructions in Escapement Shaft.

No obstructions to be permitted in shafts or steam discharged therein.

How surface waters to be managed.

Section 56. No accumulation of ice or obstruction of any kind shall be permitted in any escapement shaft, nor shall any steam be discharged into said shaft; and all surface or other water which flows therein shall be conducted by rings or otherwise, to receptacles for same so as to keep the stairway or cage free from falling water.

Weekly Inspection of Escapements.

Weekly examinations of escapement shafts and passageways.

Records of inspection to be kept.

Section 57. All escapement shafts and passageways leading thereto or to the works of a contiguous mine must be carefully examined at least once each week by the mine foreman or by a man specially delegated by him for that purpose, and the date and findings of such inspection must be entered in a record book in the office at the mine. If obstructions are found their location and nature must be stated together with the date on which they were removed.

Communication with Adjacent Mines.

Section 58. When operators of adjacent mines have by agreement established underground communication

between said mines as an escapement outlet for the men employed in both mines, the roadways to the boundary on either side shall be regularly patrolled once each week and kept clear of all obstructions to travel by respective operators, and the intervening door shall remain unlocked and ready at all times for immediate use. When such communication has once been established between adjacent mines, it shall be unlawful for the operator of either mine to close the same without the consent of the contiguous operator and the State Coal Mine Inspector; provided, that when either operator desires to abandon mining operations the expense and duty of maintaining such communications shall devolve upon the party continuing operations and using the same.

Maintenance of escapements between adjacent mines and roadways.

Patrolling of roadways.

Intervening doors.

Communications not to be closed without consent of each owner and mine inspector.

Proviso: when one mine ceases operations.

Ventilation of Mines.

Section 59. The owner, operator or superintendent of every coal mine, whether operated by shaft, slope or drift, shall provide and hereafter maintain ample means of ventilation for the circulation of air through the main entries, cross entries and all other working places, to an extent that will dilute, carry off and render harmless the noxious or dangerous gases generated in the mine, affording not less than one hundred cubic feet per minute for each and every person employed therein, and not less than six hundred cubic feet per minute for each and every animal in the mine; but in any mine, or section of a mine, where firedamp is generated not less than one hundred and fifty cubic feet of air per minute shall be provided for each person or as much more as may be necessary to keep such section free from firedamp. The quantities of air in circulation shall be ascertained with an anemometer or other efficient instrument; such measurement shall be made by the foreman or his assistants once a week at the inlet and outlet airways, and also at or near the face of each entry, and shall be recorded in a book kept for that purpose at the mine office. The quantity of air as provided for in this Act for each person shall be conducted to each working place.

Ample means of ventilation to be provided and maintained.

One hundred feet per minute for each person and six hundred per minute for each animal.

Air required where fire damp exists.

Measurements of circulating air, when and where to be made.

Records to be kept.

In rooms generating firedamp the volume of air required by this Act shall be conducted to the face

In rooms generating fire damp.

thereof by the use of brattice cloth or other suitable means.

Pressure Guages.

When and where water gauge shall be maintained.

Section 60. At each mine generating firedamp so as to be detected by a safety lamp a water guage for the purpose of recording the pressure or vacuum of the main air current shall be provided and maintained which shall be kept in constant use and records preserved subject to the inspection of the State Coal Mine Inspector or his authorized representative.

Number of Persons Permitted to Work in Same Air Current.

Separate currents of air to different numbers of men.

Section 61. The current of air in mines must be split or subdivided so as to give a separate current to a number not exceeding one hundred men at work, and the Inspector has the discretion to order a separate current for a smaller number of men if special conditions render it necessary.

Crosscuts and Brattices for Ventilation.

Distances between cross-cuts.

Section 62. Crosscuts between the entries, except where same are within the confines of shaft bottom pillars, shall be made not exceeding sixty feet apart, unless sufficient brattice is used to keep the air current up to the entry face in which case they shall not exceed one hundred feet apart. When there is a solid block on one side of a room, crosscuts shall be made between such room and the adjacent room not to exceed sixty feet apart; where there is a breast or group of rooms, a crosscut shall be made on one side or the other of each room, except the room adjoining said block, not to exceed fifty feet from the outside corner of the crosscut to the nearest corner of the entrance of the room and on the opposite side of the same room a crosscut shall be made not to exceed ninety feet from the outside corner of the crosscut to the nearest corner of the entrance of the room, and thereafter crosscuts shall be made not to exceed eighty feet apart on each side of the room. The required air current shall be conducted to the crosscut nearest the face of each entry or room.

When cross-cuts are to be constructed between different rooms.

Air currents to be conducted to what cross-cuts.

Brattices between permanent inlet and outlet airways shall hereafter be constructed in a substantial manner of brick, blocks, masonry, concrete or non-perishable material. Rooms must not be worked in advance of the ventilating current.

Brattices shall be constructed of what materials between permanent inlets and outlets.

Operation of Ventilating Fans: Furnaces, etc.

Section 63. All ventilating fans, furnaces and any means in use to ventilate mines shall be kept in constant operation, day and night, in mines generating fire-damp or where two shifts are being worked. Where no firedamp is generated, or only one shift is worked, the fan, furnace or other means of ventilation shall be started and kept running not less than two hours before the time to begin work. Should it at any time become necessary to stop the fan or other means of ventilation on account of accident or needed repairs to any part of the machinery, furnace or other means of ventilation connected therewith, or by reason of any unavoidable cause, it shall then be the duty of the mine foreman, or any official in charge, after first having provided as far as possible for the safety of the persons employed in the mine, to order said fan or other means of ventilation to be stopped so as to make the necessary repairs or to remove any other difficulty that may have been the cause of such stoppage. All ventilating furnaces in mines shall, for two hours before the appointed time to begin work and during working hours, be properly attended by a person employed for the purpose.

All ventilation fans and other means to be kept constantly in operation in fire damp mines.

Operation of means of ventilation in other mines.

Duty of mine foreman or officers in charge when ventilating fans are compelled to stop.

Attendants on ventilating furnaces.

Over-casts, Air Bridges and Doors—How to be Constructed.

Section 64. In all mines, all main airbridges or over casts built after the passage of this Act shall be constructed of masonry or other incombustible material of ample strength, or be driven through the solid strata. In all mines the doors used in guiding and directing ventilation of the mine shall be so hung and adjusted that they will close themselves, or can be supplied with springs or pulleys so that they cannot be left standing open, and an attendant shall be employed at all principal doors through which cars are hauled, for the purpose of opening and closing said doors when trips of

Construction of air bridges or over casts.

Automatic closing of doors directing ventilation.

Attendant.

Room for attendant.

Attendant to remain at post of duty during working hours.

Where extra doors shall be employed.

cars are passing to and from workings, unless an approved self acting door is used. Necessary room shall be provided at each door so as to protect said attendant from being run over by the cars while attending to his duties, and persons employed for this purpose shall at all times remain at their post of duty during working hours. On every inclined plane, or where haulage is done by machinery, and where a door is used, an extra door shall be provided to use in case of necessity.

Underground Stables.

Stables and stalls to be kept separate from main air-courses.

Construction of Stables.

Hay and straw.

Ventilation of stables.

Stable aircourse to be fitted with substantial doors.

When doors must be of iron or steel plate.

Lights in stable.

Section 65. Where livestock is kept underground the stables or stalls shall be separated from the main aircourse by not less than twenty feet of solid strata or a solid wall of brick masonry or concrete, not less than twelve inches in thickness. The construction of the stable shall, as far as possible, be free from all combustible material. No hay or straw shall be taken into the mine unless same be compressed into compact bales, and only from time to time in such quantities as will be required for two days' use. No greater quantity of hay or straw shall be stored in the mine or stable and when such is taken inside the mine it shall be taken to the stable at once and placed in a separate room provided therein for the same. The stable must be so placed that the air ventilating the same is returned immediately to the main outlet aircourse and not allowed to go further into the mine to where men are working. The connections between the aircourses and the stables must be fitted with substantial doors, placed so that they can be readily reached in the event of fire in the stable. Where conditions prohibit the use of entirely incombustible material in the construction of the stable the doors leading to or from the same shall be made of iron or steel plate, not less than one quarter inch in thickness, set in masonry or concrete walls. The lights used in the stable shall be incandescent lamps placed so that same will not be injured by the stock or the persons required to enter the stable, or lanterns of railroad type suitable for using kerosene or signal oil, and only

such oil shall be used therein. All refuse and waste shall be promptly removed from the stable in the mine and shall not be allowed to accumulate.

Lamp oil.

Removal of stable refuse and waste.

Stables constructed underground after the passage of this Act shall be located not nearer than one hundred and fifty feet to any opening to the mine used as a means of ingress or egress.

Location of stables.

Precautions when Approaching Abandoned Workings.

Section 66. Whenever any working place of a mine approaches within one hundred feet of the abandoned workings of another mine as indicated by an accurate survey, or while driving any working place parallel with the workings of such abandoned mine within one hundred feet thereof, and such abandoned mine cannot be explored or when same contains firedamp or water which may inundate such working place, the mine foreman shall not permit such working place to be advanced until a drill hole has been extended not less than twelve feet in the centre of such working place and a flank hole not less than twelve feet extended on each rib, starting at the working face after taking out each cut of breaking.

Drill holes to be advanced in working places approaching certain abandoned mines within one hundred feet.

Whenever the limits of an abandoned mine are not known by actual survey the above rule shall apply whenever any working place approaches within two hundred feet of the supposed limits of such abandoned mine.

Working places approaching abandoned mines not known by actual survey.

Timber and Supplies.

Section 67. The operator of any mine shall keep an adequate supply of suitable timber constantly on hand, and deliver to the working place of each miner the props of approximate length, caps and other timbers necessary to securely prop the roof thereof. Such props, caps and other timbers shall be delivered in mine cars at the point where the miner receives his empty cars or unloaded at the entrance to the room.

Supplies of timbers required to be constantly kept on hand.

How and when caps, props and other timbers to be delivered.

Hauling Roads.

Section 68. On all hauling roads or entries on which the hauling is done by machinery, where men have to pass to or from their work, and on all entries on which the hauling is done by draft animals, there shall be a clearance on one side of at least two and one-half feet

Size of clearance required on all hauling roads or entries where power is used.

Clearance to be kept unobstructed.

Where places of refuge must be cut, and size thereof.

To be kept unobstructed.

between the car and the rib of such entry. This place shall be kept free from all obstructions and no material shall be placed thereon. In mines already opened prior to the passage of this Act where such clearance does not exist, or in mines where mining conditions prohibit the driving of entries wide enough to give such clearance, places of refuge must be cut in the side wall at least three feet wide, two and one-half feet deep, five feet high and not more than twenty yards apart, but such places of refuge shall not be required in entries from which rooms have been driven at regular intervals not exceeding twenty yards. All such places of refuge must be kept clear of obstructions and no material shall be stored nor allowed to accumulate therein.

Airways.

Dimensions of airways and duty of owners and operators.

Section 69. It shall be the duty of the owner, lessee or operator of every coal mine to provide and maintain airways of sufficient dimensions and in no case shall the area of the aircourse be less than twenty-five feet in mines operated on the room and pillar system.

Drainage, Traveling Ways.

Traveling ways and intake of airways; drainage and clear of filth.

Obstructions in crosscuts or rooms or entries in airways forbidden.

Traveling ways to be kept unobstructed, and loose coal and rock overhead removed.

Section 70. Standing or stagnant water shall not be allowed to remain in travelling ways, nor shall the intake airways be used by miners or other persons as a depository for excrement or any other refuse. Obstructions of any kind must not be placed in crosscuts, rooms or entries used as main airways. Where necessary to provide a travelling way other than the main entries, slope or drift in any mine for men going to or returning from their work, the same shall be kept clear from debris or obstructions of any kind, and all loose coal, slate and rock overhead or in rib in travelling ways, where miners have to travel to or from their work, must be taken down or carefully secured.

Examination by Foreman.

Mine foreman shall examine twice per week, what.

Record of inspection to be kept.

Section 71. All main airways or travelling ways in any underground workings shall be examined at least twice a week by the mine foreman or some other competent person so directed by said mine foreman and a record of such inspections shall be kept at the mine office.

Removal of Combustible Matter.

Section 72. It shall be the duty of the mine foreman or his assistant in charge of any coal mine where coal dust or any other inflammable material may accumulate to cause the same to be properly saturated with water or with some compounds or chemicals used for such purpose as often as necessary in either aircourses or entries, or all accumulated matter, explosive in its nature, shall be removed from the mine.

Coal dust and other inflammable matter to be kept saturated.

Mine Foreman and His Duties.

Section 73. In order to secure efficiency in the coal mines the operator or superintendent shall employ a competent and practical foreman; said mine foreman shall have passed an examination and obtained a certificate of competency as required by this Act, and said mine foreman shall devote the whole of his time to his duties at the mine when in operation.

Competent and practical mine foremen must be employed.

Duties of foremen.

The mine foreman or his assistant shall visit and examine every working place in the mine at least each alternate day while the miners of such places are or should be at work and shall examine and see that each working place is secured by timbering so that the safety of the mine is assured; he shall see that a sufficient supply of timbers and material is always on hand at the working places in compliance with this Act.

Inspection and duties of mine foreman and deputies.

When the mine foreman is personally unable to carry out the requirements of this Act as pertaining to his duties, on account of sickness or of other unavoidable conditions, a competent person shall be appointed to act in his place. The said person so appointed shall possess a certificate of competency, either as mine foreman or mine examiner as provided for in this Act, or shall receive a permit to act as such from the State Coal Mine Inspector's office within thirty days after taking charge.

When substitute for mine foreman shall be appointed.

Qualifications of substitute.

Whenever such mine foreman, his assistant or assistants, shall have an unsafe place reported to him or them, he or they shall order and direct that the same be placed in a safe condition and until such is done no person or persons shall enter such unsafe place except for the purpose of making it safe.

Duties of mine foreman and assistants regarding unsafe places.

Mine Examiners and their Duties.

What coal mines shall require a mine examiner.

Section 74. A mine examiner shall be required at all coal mines generating dangerous and explosive gases.

Duties of mine examiner.

His duty shall be to visit the mine before the men are permitted to enter it and, first, he shall see that the air current is travelling in its proper course and quantity. He shall inspect all places where men are expected to pass or to work and observe if there are any recent fall or obstructions in rooms and roadways or accumulations of fire damp or other unsafe conditions.

Must mark date of his inspections on face of coal.

He shall especially examine the edges and accessible parts of recent falls and old gobs and aircourses. As evidence of such examination he shall mark with chalk upon the face of the coal his initial and the date of the month and year; if there is any standing gas discovered he shall leave a danger signal across every entrance to such place.

Shall post on blackboard the condition of the mine.

He shall make a report on a blackboard provided on the outside of the mine, or at some other convenient place, for that purpose and arranged so that the men can inspect it while passing to their work, showing the conditions of the mine as to the presence of fire damp, and indicating the place or places where present if any is present, before he permits any person or persons to enter the mine. He shall complete his inspection before the time for the day shift men to go to work and shall personally check each miner or loader into the mine, advising each as to the condition of his working place and holding back any man whose working place is in dangerous condition. He shall return to the mine with such miners or loaders thus held back and remain there attending to the removal of any standing gas.

When inspection to be completed.

Checking men and warning them.

Removal of standing gas.

Examinations of other parts of mine, and when examinations shall be made.

He shall examine parts of the mine not in actual course of working and available, not less than once each three days. He shall see that every part of the mine is kept free from standing gas and all old workings are properly fenced off. He shall examine the mine on idle days and Sundays if any men are required to work in any part of it, and, if any time elapse between the day turn leaving and night turn starting, the places

to be worked by night turn must be examined by him with a safety lamp and reported safe before persons go to them. He shall make a daily record of the conditions of the mine as he has found them, in a book kept for that purpose, which shall be preserved in the office of the company. No miner or loader, when advised by the mine examiner that his working place is dangerous, shall leave the bottom of the shaft or the main partings on slopes or drifts until accompanied by the miner examiner.

To make daily records.

Safety Lamps.

Section 75. At any mine where firedamp or other explosive gases are being generated so as to require the use of safety lamps in any part thereof the operator of such mine, upon receiving notice from the State Coal Mine Inspector or the mine examiner that one or more lamps are necessary to the safety of the men in such mine, shall at once procure and keep for use such number of the most improved safety lamps as may be necessary. All safety lamps used for working therein shall be the property of the operator and shall remain in the custody of the mine foreman or other competent person, who shall clean, trim and fill, examine and deliver the same, locked and in safe condition, to the men when entering the mine, and shall receive the same from the men at the end of their shift. Persons using such lamps shall be responsible for the conditions and proper use of safety lamps while in their possession.

When safety lamps shall be furnished, and number thereof.

Lamps the property of owner or operator.

Lamps to be locked.

Only Safety Lamps to be Used.

Section 76. In every working approaching any place where there is likely to be an accumulation of explosive gases, or in any working where danger is imminent from explosive gases, no light or fire other than a locked safety lamp shall be allowed or used.

Where none but safety lamps shall be used.

Keys For Safety Lamps.

Section 77. No one except a duly authorized person shall have in his possession a key or other contrivance for the purpose of unlocking any safety lamp in any mine where locked safety lamps are used. No lucifer matches or any other apparatus for striking light shall be taken into said mine or parts thereof.

Only authorized person to have keys to safety lamps.

No lucifer matches or other lights to be taken into such mines.

Blasting in gas bearing mines.

Firing of Blasts Where Safety Lamps Are Used.

Section 78. In any mine where locked safety lamps are used no blast shall be fired in such portion of the mine except by permission of the mine foreman or his assistants, and before a blast is fired the person in charge must examine the place and adjoining places and satisfy himself that it is safe to fire such blast before such permission is given.

Storing of Explosives in Mines.

Regulating the taking and handling of explosives in mines.

Section 79. No workman shall have at any time more than one twenty-five pound keg of black powder in the mine nor more than five pounds of high explosives. Every person who has powder or other explosives in a mine shall keep it or them in a wooden or metallic box or boxes, securely locked, and said boxes shall be kept at least five feet from the track and no two powder boxes shall be kept within twenty five feet of each other nor shall black powder and high explosives be kept in the same box.

Manner of Handling Explosives.

Precautions to be observed in opening and handling powder.

Section 80. Whenever a workman is about to open a box or keg containing powder or other explosives and while handling the same he shall place and keep his lamp at least five feet distance from such explosive, and in such position that the air current cannot carry sparks to it, and no person shall approach nearer than five feet to any open box containing powder or other explosives with a lighted lamp, lighted pipe or other thing containing fire.

Copper Tools.

Charging and tamping powder: copper tools to be used.

Section 81. In the process of charging and tamping a hole, no person shall use an iron or steel pointed needle. The needle used in preparing a blast shall be made of copper and the tamping bar shall be tipped with at least five inches of copper. Some soft material must always be placed next the cartridge or explosive.

System of Blasting.

Manner of firing blasts.

Section 82. A workman who is about to explode a blast with a squib shall not shorten the match, saturate it with oil, or ignite it except at the extreme end; he shall see that all persons are out of danger from probable effects of such shots, and shall take measures

to prevent any one from approaching by shouting "Fire" immediately before lighting the fuse or squib.

When firing shots in close proximity to other workmen on rib or in crosscut driven for air or other purposes, he or they, firing such shots, shall notify in person or by signals the workmen in adjoining rooms or other place or entry.

Notices and signals of firing to be given when.

When a squib is used and a shot misses fire no person shall return until five minutes shall have elapsed. When a fuse is used and a shot misses fire no person shall return until one hour for each foot of fuse shall have elapsed. When it is necessary to tamp dynamite, nothing but a wooden tamper shall be used.

When shot misses, can be approached when.

Tamping dynamite.

No hole shall be drilled to a greater depth than the cut or shearing, neither shall fine coal, coal dust or any combustible material be used for tamping any hole.

Drilling and tamping holes.

No workman shall put off any blast in any mine known as a "following shot."

"Following shot."

At all coal mines the firing of shots shall be restricted to a specific time at the end of each shift, except that in entries, slants and doom necks, when necessary, one snubbing shot may be fired in each at the middle of the shift. No miner shall fire a shot until the time appointed for him to do so and then only in such rotation as designated by the proper authority. After each blast he shall exercise great care in examining the roof and coal and shall secure them safely before beginning to load coal. Where shooting is done by shift work the same precaution shall be used by some person or persons designated by the operator.

Shots to be fired at end of shift, except when.

Time, rotation and signals for firing.

Roof to be examined and secured after shots.

When drawslate is over the coal the miner shall not go underneath the drawslate until it is made safe from falling by securely posting it, and he shall not remove the posts until the coal is removed and he is ready to take down the drawslate. He shall not place in the gob or refuse pile any fine coal or coal dust but shall load same into cars. When more than one shot is to be fired at the same time with fuse, in the same working place, different lengths of fuse shall be used so as to prevent any possibility of the shots going off simultaneously.

Securing drawslate.

Disposition of fine coal and coal dust.

More rules for firing shots.

Each miner shall examine his working place before commencing work.

Care of Working Places.

Section 83. Each miner shall examine his working place upon entering the same and shall not commence to mine or load until it is made safe. He shall be very careful to keep his working place in safe condition at all time.

If place found to be dangerous he shall cease work and report it to foreman.

To leave warning at place found dangerous.

Each miner to prop roof in his working place and obey orders of the superintendent relative thereto.

When not to be held guilty of violation of this act.

Preservation of timbers, props, and materials by miner.

Should he at any time find his place becoming dangerous from any cause or condition, to such an extent that he is unable to take care of the same personally, he shall at once cease work and notify the mine foreman, or his assistant as provided for hereinbefore in this Act, of such danger, and upon leaving such place he shall place some plain warning at the entrance there-to warn others from entering into the said danger and he shall not return to his place until ordered to do so by the mine foreman or his assistant. Each miner, or other person employed in a mine, shall securely prop the roof of the working place therein under his control, and shall obey any order or orders given by the Superintendent or mine foreman relating to the width of his working place or safety of the same. Such miner or other person shall not be held to have violated the provisions of this section if the owner, lessee, agent, superintendent or mine foreman fail to supply the necessary props, caps, timber or necessary material as provided for in this Act.

Each miner or other person shall avoid waste of props, caps, timber or other material. When he has props, caps, timber or other material unsuited for his purpose he shall not cover them up or destroy them but shall place same near the track where they can be readily seen.

Duties of Machine Men.

Section 84. Machine runners and helpers shall use care while operating mining machines. They shall not operate a machine unless the shields are in place and shall warn all persons not engaged in the operating of a machine of the danger in going near a machine while in operation, and shall not permit such persons to remain near the machine while in operation. They shall examine the roof of the working place and see that it is safe before starting to operate the machinery.

Duties of persons operating machines.

Examination of roof.

They shall not move the machine while the cutter chain is in motion.

Not to move machines when.

When connecting the power cable to electric wires they shall make the negative or grounded connections before connecting to the positive and, when disconnecting the power cable, shall disconnect from the positive line before disconnecting the negative, or grounded. When positive feed wires extend into rooms they shall connect such wires to the positive wire on the entry before connecting the power cable and as soon as the power cable is disconnected shall disconnect such wire from the wire on the entry. They shall use care that the cable does not come in contact with metallic rails of the track and shall avoid, where possible, leaving the cable in water. If any machine men remove props which have been placed by the miner for the security of the roof, they shall reset such props as promptly as possible.

In making electrical connections.

Disconnecting.

Connecting and disconnecting positive feed wires.

Other duties.

Duties of Motormen, Trip Riders and Drivers.

Section 85. Motormen and trip riders shall use care in handling the motors and cars and shall see that signals or markers, as provided for, are used as provided, and shall be governed by the speed provided for in this Act in handling cars. They shall not run the motors with the trolley ahead of the motors, except in case where they cannot do the alternative, and then only at a speed of two miles an hour. They shall warn persons forbidden to ride on the motors or cars, and shall not permit such persons to ride on motors or cars contrary to the provisions of this Act.

Duties of motormen and trip riders.

Motors to be run ahead.

Not to permit riding on motor cars, when.

Drivers shall use care in handling cars, especially when going down extreme grades and at junction points.

Duties of drivers.

Doors used in directing ventilation to be closed.

Motormen, trip riders and drivers in charge of haulage trips passing through doors used as a means of directing the ventilation, shall see that such doors are closed promptly after the trip passes through.

Duties of Other Employees.

Section 86. No person shall enter a mine generating firedamp so as to be detected by a safety lamp until the mine examiners make a report on the blackboard

Firedamp producing mines not to be entered until when.

for that purpose as hereinbefore provided for in this Act.

Must not pass beyond danger signal.

No person, unless accompanied by the mine examiner, shall go beyond a danger signal until all standing gas discovered has been removed or diluted and rendered harmless by a current of air. Any person being ordered to withdraw by the mine foreman or mine examiner from the mine on account of the interruption of the ventilation shall not re-enter the mine until given permission to do so by the mine foreman.

Persons ordered out not to re-enter until when.

Caution boards and danger signals not to be removed except by mine inspector.

No person other than the mine examiner shall remove any caution board or danger signal placed at the entrance to any working place or at the entrance to any old workings in a mine.

Survey reference marks and monuments not to be erased or changed.

No person shall erase or change a mark of reference or monument made in connection with a measurement; change marks or dates or any caution board, or erase or change the dates at room or entry face, when made by the mine examiner; change the checks on cars, wrongfully check a car or do any act with intent to defraud. No person shall take a lighted pipe or other thing containing fire, except lanterns as provided for in this Act, into any underground stable or barn.

Nor change dates made by examiner in mine, or checks on cars.

Pipes and other things on fire not to be taken in mine.

Other things forbidden.

No person shall place refuse in or obstruct any airway or breakthrough used as an airway. No workman or other person shall injure a water gauge, barometer, aircourse, brattice equipment, machinery or live stock; obstruct or throw open any airway; handle or disturb any part of the machinery of the hoisting engine of a mine; open a door of a mine and neglect to close it; endanger the miners or those working therein; disobey an order given in pursuance of law, or do a wilful act whereby the lives and health of persons working therein or the security of a mine or machinery connected therewith may be endangered.

Persons Permitted to Ride on Haulage Trips.

Persons, only, who are permitted to ride on haulage trips.

Section 87. No person or persons except those in charge of trips, superintendents, mine foremen, mine examiners, electrician, mechanics and blacksmiths, when required by their duty, shall ride on haulage trips, except where by mutual agreement in writing between the superintendent or agent and the employees a special trip of empty cars is run for the

purpose of taking employees into or out of the mine, or empty cars are attached to loaded trips, which shall not be run at a speed exceeding six miles per hour.

Employees Shall Not Loiter Nor Use Intoxicants Around the Mine.

Section 88. Each employe of a mine shall go to or from his place of duty by the travelling ways provided; shall not travel around the mine or the buildings, where duty does not require, and when not on duty shall not loiter at, in or around the mine, the buildings or machinery connected therewith, except by permission of the owner, lessee, operator, superintendent or foreman.

Employees to use traveling ways provided, and not to loiter around the mine.

No person shall go into or around a mine, the buildings or the machinery connected therewith, while under the influence of intoxicants. No person shall use, carry or have in his possession, at, in or around a mine, the buildings or the machinery connected therewith, any intoxicants.

Drunken persons to be kept away.

Intoxicants not to be used or had around the mine.

Top and Bottom Men.

Section 89. At every shaft, operated by steam or other power, the operator must station at the top and the bottom of such shaft a competent man, charged with the duty of attending to signals, preserving order and enforcing rules, during the carriage of the men on cages.

A competent man to be placed at top and bottom of shaft, when.

Lights on Landings.

Section 90. Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men leave or take the cage, car or cars is at all obscured by steam or otherwise, there must always be maintained at such landing a light sufficient to show the landing and surrounding objects distinctly. Lights shall also be maintained at each landing and the bottom of all shafts while men are at work underground.

When sufficient lights shall be maintained at cage or car landings.

Regulations For Hoisting Or Lowering of Men.

Section 91. Cages in shafts, or cars in any slope, on which men are riding shall not be lifted or lowered at a rate of speed greater than six hundred feet per minute.

Regulations for hoisting or lowering men.

Speed of cage or car.

No more than (12) twelve persons shall ride on any

Limit of number
on car.

cage or car at any one time except where specially constructed man cars are used on a slope.

Things forbidden
in cage or car
when men are
being hoisted or
lowered.

No person shall carry any explosives, tools, timber or other material with him on a cage, car or cars in motion, in any shaft or any slope or incline plane while the men are being hoisted or lowered, except for use in repairing the shaft, slope or incline plane.

Requirements in
cages.

No cage having an unstable or self dumping platform shall be used for the carriage of men or materials unless the same is provided with some device by which the platform can be securely locked, and unless it is so locked whenever men or materials are being conveyed thereon.

Duty of rope rider.

The rope rider on any slope or incline plane shall, during working hours, see that all ropes and signals are in perfect working order, and, if he perceives anything wrong, he shall at once report the same to the mine foreman or his assistant.

Other duties of
rope rider.

He must be cautious when men are being hoisted out of or lowered into any slope and shall see that all safety appliances are properly attached and that all cars are securely coupled. He shall pay strict attention to all signals.

To prevent more
than twelve on a
car or cage.

When more than twelve persons get on a cage or on one car on a slope or incline plane, except as above provided for, the bottom man, top man, or rope rider in charge of the lowering and hoisting of such persons shall order a sufficient number to get off to reduce the number to twelve persons on the cage or car, and the person or persons so ordered shall immediately comply.

Safety appliances
on cars.

The car or cars used to hoist or lower men into or out of any slope or on any plane shall be connected by safety chains, or some safety appliance must be used to maintain the trip in case of breakage of coupling or other connection.

Rights Of Men To Come Out.

When the cage
shall be given to
men through work
or prevented
from work by any
cause.

Section 92. Whenever men who have finished their days work, or who have been prevented from further work for any cause, shall come to the bottom of any shaft to be hoisted out, a cage shall be given them for that purpose, unless there is an available exit by slope

or stairway in an escapement shaft, and providing there is no coal at the bottom to be hoisted. Whenever the designated number of persons for a cage load shall arrive at the bottom of the shaft in which persons are regularly hoisted or lowered they shall be furnished with an empty cage and be hoisted.

Stretchers, Blankets, Etc.

Section 93. At every mine where men are employed underground it shall be the duty of the operator thereof to keep always on hand and at some readily accessible place a properly constructed stretcher, a woolen and waterproof blanket, and a roll of bandages, in good condition and ready for immediate use, for binding, covering and carrying any one who may be injured at the mine; also to provide a comfortable apartment near the mouth of the mine in which any one so injured may rest while awaiting transportation home, and to provide for the speedy transportation of any one injured in such mine to his home. When more than one hundred and fifty men are employed in any one mine two stretchers, two woolen and two water proof blankets, with a corresponding supply of bandages, shall be provided and kept on hand. There shall also be provided and kept in store a suitable supply of linseed or olive oil for use in case men are burned by an explosion or otherwise.

Equipments for injured men required to be kept at mine.

Apartment for injured men.

Transportation of injured men to their homes.

Amount of supplies and equipments to be kept for injured men in large mines.

Oils To Be Used In Coal Mines.

Section 94. (a). No person, firm or corporation shall compound, sell or offer for sale, for illuminating purposes in any coal mine, any oil other than oil composed of not less than eighty four per cent of pure animal or vegetable oil, or both, and not more than sixteen per cent pure mineral oil, the gravity of such animal or vegetable oil shall not be less than twenty-one and one-half and not more than twenty-two and one-half degrees Baume scale measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; The gravity of such mineral oil shall not be less than thirty four and not more than thirty-six degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit, and gravity of the mixture

Standard of illuminating oils which may be used in coal mines.

Proviso.

shall not exceed twenty-four degrees Baume scale, measured by Tagliabue or other Standard hydrometer, at a temperature of sixty degrees Fahrenheit. It is provided, however, that any material that is as free from smoke and bad odor, and of equal merit as an illuminant as a pure animal or vegetable oil, may be used at the pleasure of mine operators and miners.

Markings and labels required upon each package containing illuminating oils sold or shipped for such purposes.

(b) Each person, firm or corporation compounding oil for illuminating purposes in a coal mine or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of such barrel or package, a label which shall have plainly printed, marked or written thereon the name and address of the person, firm or corporation compounding the oil therein contained, the name and address of the person, firm or corporation having purchased same, the date of shipment, the percentage and gravity in degrees Baume scale, at a temperature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale of the mixture, at a temperature of sixty degrees Fahrenheit.

Requirements of labels.

Each label shall have printed thereon, over the facsimile signature of the person, firm or corporation having compounded the oil, the following. "This package contains oil for illuminating purposes in coal mines in the State of Montana, and the composition thereof as shown herein is correct."

Illuminating oils shall not be sold for use in coal mines without the required label.

(c) No person, firm or corporation shall sell or offer for sale any oil for illuminating purposes in any coal mine unless the barrel or package in which such oil was received bears the label of the compounder as provided for in this Act.

When dealer shall submit oils for inspection and tests.

Each person, firm or corporation selling or offering for sale any oil for illuminating purposes in any coal mine, shall, upon request of the State Coal Mine Inspector, or of any officer or duly authorized agent of any owner or lessee of a coal mine located within five miles of the point where such oil is offered for sale, or of any coal miner, submit such oil for examination, and upon request give a sample of such oil from one or more original containers selected by such inspector,

officer, agent or miner for the purpose of making a test thereof.

(d) No person shall adulterate any oil, either before or after taking same from original containers, and shall not alter, transfer or re-use any label placed upon any container.

Adulterations of oils forbidden.

(e) No person shall use for illuminating purposes in any coal mine any oil other than oil specifically provided for in this Act. Each person while in a coal mine shall, upon request of the Inspector of mines or any officer or duly authorized agent of the owner or lessees, submit his lamp and supply of oil for examination and upon request give sample of oil for purpose of making test thereof, and state from whom purchased.

Other illuminating oils not to be used.

Lamps and supplies of oil to be supplied.

The provisions of this Act relating to compounding, sale and use of oil for illuminating purposes in coal mines shall apply to oil used in lamps for open lights only, but do not apply to drivers, rope riders or motor men while acting in such capacity. The oil used in safety lamps may be of such composition as will best serve the purpose.

In what lamps oil compounds provided for in Act required to be used.

Boundary Lines.

Section 95. In no case shall the workings of a coal mine be driven nearer than ten feet to the boundary line of the coal rights pertaining to said mine, except for the purpose of establishing connecting workings between properties owned by the same person or an underground communication between contiguous mines as provided for elsewhere in this Act.

Boundary lines not to be approached nearer than ten feet except when.

Notice To Inspectors.

Section 96. Immediate notice must be conveyed to the State Coal Mine Inspector by the operator interested:

When notice to be given to State Mine Inspector.

First: Whenever an accident occurs whereby any person receives serious or fatal injury:

Accidents.

Second: Whenever work is commenced to sink a shaft, slope or drift, either for hoisting or escapement purposes:

Work commenced to sink shaft.

Third: Whenever it is intended to abandon any mine or to reopen any abandoned mine:

When mine is to be abandoned

Fourth: Upon the appearance of any large body of fire damp in mine, whether accompanied by explosion

Appearance of large bodies of firedamp.

Serious fires.

or not, and upon the occurrence of any serious fire within the mine or on the surface around the mine.

Works approaching abandoned mine.

Fifth: When the workings of any mine are approaching near any abandoned mine believed to contain accumulation of water or gas:

Accidental closing or intended abandonment of escapements.

Sixth: Upon the accidental closing or intended abandonment of any regularly established passage way to an escapement outlet:

Duty Of Inspectors.

Duty of State Coal Mine Inspector in case of serious accidents.

Section 97. When advised by an operator of any accident in a coal mine involving loss of life or serious personal injury the State Coal Mine Inspector shall, if he deem it necessary from the facts reported, and in all cases of loss of life, immediately go to the scene of said accident or send some competent person authorized by him. It shall, moreover, be the duty of every operator of a coal mine, or his agent, to make and preserve for the information of the Inspector, upon uniform blanks furnished by the said Inspector, a record of all injuries sustained by any employees in the pursuance of their regular occupation.

Duty of operator in such cases.

State Coal Mine Inspector may make other investigations.

The State Coal Mine Inspector may also make any original or supplementary investigation which he may deem necessary as to the nature and cause of any accident within his jurisdiction and shall make a record of the circumstances attending the same and of the result of his investigations for preservation in the files of his office.

To make and preserve records.

Powers in making investigation.

To enable him to make such investigation he shall have the power to compel the attendance of the witnesses and to administer oaths or affirmations to them, and the cost of such investigation shall be paid by the County in which such accident has occurred in the same manner as the cost of coroner's inquest is paid.

Cost of investigations.

Coroner's Inquest.

Operator to notify County Coroner in case of accidental death, or in his absence a justice of the peace.

Section 98. If any person is killed by any explosion, or other accident, the operator must also notify the coroner of the County, his authorized deputy or, in the absence of either or in the inability of either to act, any justice of the peace of said County for the purpose of holding an inquest concerning the cause of such death. At such inquest the State Coal Mine In-

spector, his deputy or authorized representative shall offer such testimony as he may be possessed of, and he may question or cross question any witness appearing in the case; and the owner, agent or manager of the coal mine, either in person or by counsel, shall also be at liberty to examine or cross examine any witness at any such inquest.

Duty of Coal Mine Inspector at such inquest.

Conducting inquest.

Any person having personal interest in or employed in the management of the mine in which the accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such to be sworn or sit on the jury; nevertheless, when possible, one third of the jurymen shall be miners.

Interested persons and managing employees not to act as jurors.

Duty of Constable or other officer.

Miners on jury.

Unless the State Coal Mine Inspector, or some person authorized by him, is present at an inquest held upon the body of any person, where death may have been caused by any such accident, the coroner shall adjourn the same and, by written notice or telegram delivered or sent to the State Coal Mine Inspector at least two days before holding the adjourned inquest, give notice of the time and place of the holding of the same. Before such adjournment the coroner, his authorized deputy or the justice of the peace, may take evidence to identify the body and order the Interment thereof.

Adjournment of inquest when State Coal Mine Inspector or some person authorized by him is not present.

Notice to Inspector.

Code Of Signals At Coal Mines.

Section 99. At any coal mine operated by shaft more than one hundred feet in depth, or by slope, the manner of signalling to and from the bottom man, the top man, the rope riders and the engineer shall consist of wires or a tube or tubes through which signals shall be communicated by electricity, compressed air or other pneumatic devices.

Code of signal.

Shall consist of what in mines are more than one hundred feet deep.

The following signals are provided for use at coal mines where signals are required:

One ring or whistle:—One ring or whistle shall signify to hoist coal or the empty cars or cage, and also to stop either when in motion.

One ring or whistle.

Two rings or whistle.

Two rings or whistles:—Two rings or whistles shall signify to lower cage or car.

Three rings or whistles.

Three rings or whistles:—Three rings or whistles shall signify that men are coming up; when return signal is received from engineer, either by bell, whistle or slight movement of the trip, men will get on cage or cars and the cager or rope rider shall ring or whistle "one" to start.

Return signals.

Four rings or whistles.

Four rings or whistles:—Four rings or whistles shall signify to hoist slowly, implying danger.

Five rings or whistles.

Five rings or whistles:—Five rings or whistles shall signify accident in the mine and call for stretchers.

From top to bottom one ring or whistle.

From top to bottom:—One ring or whistle shall signify—All ready get on cage or cars.

Two rings or whistles.

From top to bottom: Two rings or whistles shall signify—To send away empty cage or cars.

When code may be added to or changed.

Provided: That the management of any mine may, with the consent of the State Coal Mine Inspector, add to or change this code of signals at their discretion for the purpose of increasing its efficiency or of promoting the safety of the men in said mine, but, whatever code may be established and in use at any mine it must be approved by the State Coal Mine Inspector, and shall be conspicuously posted at the top and at the bottom of every shaft or slope, and at the landing place on all rope haulage systems, also in all engine rooms for the information and instruction of all persons. In any coal mine, where more than fifty men are employed underground, one or more telephones shall be installed communicating with the surface.

Code of signals to be posted at top and bottom of shaft or slope and landing places and engine rooms.

Telephones to be installed where.

Duties of Hoisting Engineers.

Hoisting engineers Duties.

Section 100. The hoisting engineer on any shaft, slope or drift at any mine shall be in constant attendance at his engine during working hours when there are workmen underground. He shall not permit any one to enter or to loiter in the engine room, except those authorized by their positions or duties to do so, and he shall hold no conversation with any officer of the company or other person, or leave his engine, while in motion or while his attention is occupied with the signals. A notice to this effect shall be posted on the door of the engine house.

Notices to be posted in engine room.

The hoisting engineer must thoroughly understand the established code of signals, and such signals must be delivered in the engine room in a clear and unmistakable manner, and he shall not recognize any signals other than those provided for in this Act, or such as have been approved by the State Coal Mine Inspector; and when he has the signal that men are on the cage, car or cars, he must work his engine only at the rate of speed herein provided for by this Act. He shall permit no one to handle or meddle with any machinery under his charge, nor suffer any one who is not a certified engineer to operate his engine except for the purpose of learning to operate it or repair same, and then only in the presence of the engineer in charge and when men are not on the cages, car or cars.

Must thoroughly understand established signal.

Shall recognize engine but but Code signals.

Shall permit no one to handle or meddle with any machinery under his care, excepting.

Qualifications of Miners.

Section 101. Each person desiring to work by himself at mining or loading shall first produce satisfactory evidence, in writing, to the mine foreman of the mine in which he is employed, or to be employed, that he has worked at least nine months with, under the direction of, or as a practical miner, provided, however, that if the mine in which such person is to be employed generated explosive gas or firedamp, he shall have worked not less than twelve months with, under the direction of, or as a practical miner. Until a person has so satisfied the mine foreman of his competency, he shall not work or be permitted to work at mining or loading unless accompanied by a miner holding the foregoing qualifications.

Who may be permitted to work at mining or loading alone.

Provided, in mine producing explosive gas or firedamp.

Operators Must Make Reply To Statistical Inquiry.

Section 102. Every Coal Mine operator, whether person, co-partnership or corporation shall within thirty days after receipt of blanks from the State Coal Mine Inspector asking for statistical data relative to any Coal mine operated by the person, co-partnership or corporation addressed, fill in the blanks of such forms, answering all interrogations correctly and mail the same to the State Coal Mine Inspector.

Coal mine operator must fill out and mail to State Coal Mine Inspector blanks for data, when.

Penalties.

Section 103. If any operator, company or corporation neglects to comply with, or violate, the require-

Operator, company or corporation failing or neglecting to comply with requirements of Act.

Coercing or causing employee to do anything prohibited.

Penalty.

Proceedings to be instituted when.

State Coal Mine Inspector to proceed against parties named failing to comply with certain requirements of Act.

By injunction.

Duty of State Mine Inspector to order compliance with Act and to prosecute, when.

Fees to be allowed attorney acting when county attorney fails.

County Commissioners shall allow fees.

Penalty in case any employee or other person violates any provision of Act.

ments of this Act, either in part or in whole, or if any owner, operator, manager, superintendent, mine foreman or his assistant coerces, intimidates or causes any employee to do the things prohibited, or causes them to do as provided against in this Act, such operator, company, corporation, manager, superintendent, mine foreman or his assistant shall be liable to a penalty of twenty five dollars for each and every day during which the offense continues; proceedings to be instituted in any court of competent jurisdiction in the County in which such offense is committed.

In case of the failure of any operator, company or corporation to comply with the provisions in this Act in relation to the sinking of escapement shaft or the ventilation of mines the State Coal Mine Inspector, through the County Attorney for the County in which such failure occurs, or through any other attorney in case the County Attorney fails to act promptly, shall proceed against such operator by injunction, without bond, to restrain him from continuing to operate such portion of the mine until all legal requirements have been complied with.

When the State Coal Mine Inspector shall discover that any section of this Act, or any part thereof, is being neglected or violated he shall order immediate compliance therewith and in case of continued failure to comply shall, through the County Attorney or any other Attorney in case of his failure to act promptly, take the necessary legal steps to enforce compliance therewith through the penalties herein prescribed.

If it becomes necessary, through refusal or failure of the County Attorney to act, for any other attorney to appear for the State in any suit involving the enforcement of any of the provisions of this Act, reasonable fees for the services of such attorney shall be allowed by the County Commissioners in and for the County in which such proceedings are instituted.

Any employee engaged at work in or around any coal mine in the State of Montana, or any other person, who violates any part of this Act shall for each offense be liable to a penalty not exceeding five dollars, or in default of payment shall be imprisoned in the county

jail for a period of time not exceeding ten days, proceedings to be instituted in any court of competent jurisdiction in the County in which such offense is committed. Any person, firm or corporation who compounds, sells or offers for sale to dealers any oil for illuminating purposes in any coal mine in this State, contrary to the provisions of Section 97 of this Act, shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars and for the second offense, or any subsequent offense shall be fined not less than one hundred dollars or imprisonment not less than thirty days nor more than sixty days, or both at the discretion of the Court, proceedings to be instituted in any court of competent jurisdiction.

When proceedings are to be instituted.

Selling or offering to sell oil to any dealer for illuminating purposes in mine contrary to provisions of Section 97 herein.

Penalty.

Any person, firm or corporation who sells, or offers for sale, to any employee of a coal mine any oil for illuminating purposes in a mine contrary to the provisions of Section 97 of this Act, shall, upon conviction thereof, be fined not less than twenty five dollars or more than fifty dollars, and for a second or subsequent offense shall be fined not less than twenty five dollars and not more than fifty dollars or imprisonment, not less than ten days and not more than twenty days, or both at the discretion of the Court, proceedings to be instituted in any Court of competent jurisdiction.

Selling or offering to sell to any coal mine employee such oil.

Penalty.

Proceedings to be instituted when.

Definitions.

Section 104. (a) "Mine". In this Act the words "Mine" and "coal mine" used in their general sense are intended to signify any and all underground parts of the property of a mining plant which contribute, directly or indirectly, under one management, to the mining or handling of coal.

The words "Mine" and "Coal Mine" defined for the purposes of this Act.

(b) "Excavations or Workings." The words "excavations" and "workings" signify any and all parts of a mine excavated or being excavated, including shafts, slopes, tunnels, entries, rooms and working place, whether abandoned or in use.

"Excavations" and "Workings" defined.

(c) "Shafts." The term "shaft" means any verticle opening through the strata which is or may be used for the purpose of ventilation or escapement, or for hoisting or lowering of men or material in connection with the mining of coal.

"Shaft" defined.

"Slope" and
"Drift" defined.

(d) "Slope" or "Drift". The terms "slope" and "drift" mean respectively an incline or horizontal way, opening or tunnel to a seam of coal to be used for the same purpose as a shaft.

"Following Shot"
defined.

(e) "Following shot." A "Following shot" is a shot which is dependent in its action on the result of another shot.

"Operator" de-
fined.

(f) "Operator". The term "operator" as applied to the party in control of a mine under this Act, signifies the person, firm or body corporate who is the immediate proprietor as owner or lessee of the plant and, as such, responsible for the condition and management thereof.

"Mine Foreman"
defined.

(g) "Mine Foreman". The "mine foreman" is a person who is charged with the general direction of the underground work, or both the underground work and the outside work of any coal mine, and who is commonly known and designated as "mine boss".

"Mine Boss"

"Mine Examiner"
defined.

(h) "Mine examiner". The "Mine examiner" is the person charged with the examination of the condition of the mine before the miners are permitted to enter it, and who is commonly known as the "fire boss".

"Fire Boss."

Repealing Clause.

Section 105. The following sections 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, and 1710, 2023 of the revised codes of the State of Montana and Chapter 64 and 69 of the laws of 1909, of the State of Montana are hereby expressly repealed, and all other acts or parts of acts in conflict herewith.

Appropriations.

Section 106. There is hereby appropriated out of the general fund of the State not otherwise appropriated, sufficient funds for the salary of the State Coal Mine Inspector and for the maintenance of the Boards herein provided for and the proper enforcement of this Act according to its intent and purpose.

Repealing Clause.

Section 107. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Time when Act
shall take effect.

Section 108. This shall take effect and be in force from and after (90) ninety days from and after its passage and approval by the Governor.

Approved March 7th, 1911.

CHAPTER 121.

An Act to amend Chapter V of Part III of Title VII of the Revised Codes of 1907, relating to the industry of horticulture; amending Sections 1918, 1922, 1923, 1924, 1925, 1931, 1934, 1939, 1942, 1944 and 1947 re-enacting Sections 1917, 1919, 1921, 1926, 1927, 1928, 1929, 1930, 1932, 1935, 1936, 1937, 1938, 1940, 1941, 1943, and 1946 thereof, adding a new Section numbered 1923 A, repealing Sections 1920 and 1933 thereof and re-numbering the sections in said chapter.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter V of Part III, Title VII of the Revised Codes of 1907, be, and the same is hereby amended to read as follows:

Amending Chapter V, Part III, Title VII. Revised Codes 1907.

CHAPTER V.

Section 1917. There is hereby created a State Board of Horticulture, to consist of seven members, six of whom shall be appointed by the Governor, one from each of the horticultural districts that are hereby created, and the State Executive, who shall be an ex-officio member of the board.

State Board of Horticulture created.

Governor a member.

Section 1918. The state shall be divided into the following horticultural districts: The first district shall comprise the counties of Dawson, Custer, Yellowstone, Sweet Grass, Carbon, Park and Rosebud; the second district shall comprise the counties of Gallatin, Madison, Jefferson, Beaverhead, Silver Bow, Lewis and Clark, Meagher, and Broadwater; the third district, shall comprise the counties of Cascade, Fergus, Valley, Chouteau, Teton and Musselshell; the fourth district shall comprise the counties of Missoula, Granite, Powell and Deer Lodge; the fifth district shall comprise the county of Ravalli; and the sixth district shall comprise the counties of Flathead and Lincoln, and the seventh district shall comprise the county of Sanders.

Horticultural Districts.

First district.

Second district.

Third District.

Fourth district.

Fifth district.

Sixth district.

Section 1919. The members shall reside in the districts for which they are appointed. They shall be selected with reference to their study of, and practical experience in horticulture, and the industries dependent thereon. They shall hold office for a term of four years,

Seventh district. Residence of members.

Term of office.

Proviso: Term of two first appointed to retire in two years.

Vacancies.

Board may call public meetings.

Publishing of proceedings.

Limit to cost of publication.

Biennial meetings.

Officer of the board; location.

Board may prescribe regulations for inspection, disinfection or destruction of empty fruit boxes and other material dangerous to orchards, fruit and fruit trees.

Regulations to be printed and circulated.

Publication and posting of regulations.

Unlawful to re-use containers in which fruit or nursery stock packed.

and until their successors are appointed and qualified; provided, however, that two of the board first appointed to be determined by lot shall retire at the expiration of two years. All vacancies in the board shall be filled by appointment of the Governor, and shall be for the unexpired term.

Section 1920. The board may call together and hold, in conjunction with horticultural societies, public meetings of those interested in horticulture and kindred pursuits, and may publish and distribute such proceedings and discussions as in its judgment may seem proper, provided the sum so expended shall not exceed the sum of three hundred (\$300.00) dollars per annum. The board shall meet on the third Monday of February and September of each year, and as much oftener at it may deem expedient.

Section 1921. The office of the board shall be located as such place as the majority thereof shall determine, and shall be in charge of the State Horticulturalist during the absence of the board.

Section 1922. For the purpose of preventing the spread of contagious disease among fruit and fruit trees, and for the prevention, treatment, cure and extirpation of fruit pests, and diseases of fruit and fruit trees, and for the disinfection of grafts, scions and orchard debris, empty fruit boxes or packages or other suspected material or transportable articles dangerous to orchards, fruit and fruit trees, said board may prescribe regulations for the inspection, disinfection or destruction thereof, which regulation shall be circulated in printed form, by the board, among fruit growers and fruit dealers of the state, and shall be published at least ten days in two newspapers of general circulation in the state and shall be posted in three conspicuous places in each county in the state, one of which shall be at the County Court House thereof. For further prevention of the spread of diseases dangerous to fruit and fruit trees, it shall be unlawful for any person, or persons, dealer or dealers, to allow, or caused to be used a second time any crate, box, barrel, package or wrapping once having contained fruit or nursery stock,

except that at the written request of a nurseryman, an inspector may permit boxes or packages having contained nursery stock to be thoroughly fumigated by him, or in his presence, at the expense of the nurseryman, for which said inspector shall give a receipt and duly mark the box or package; otherwise the destruction of the same must be made in its entirety, and that the finding of such crate, box, barrel, package or wrapping in possession of any person or persons, dealer or dealers, other than the consignee, shall be considered prima facie evidence of a violation of this act.

Unless containers of nursery stock have been thoroughly fumigated in presence of inspector.

A member of the board or officer thereof, is hereby authorized to seize and destroy by burning without breaking such crate, box, barrel, package or wrapping wherever found, and to prosecute said violator or violators.

Possession of same prima facie evidence of what.

A member of the board authorized to destroy such crates, etc., by burning.

Section 1923. The said board shall elect from their own number, or appoint from without their number, to hold office at the pleasure of the board, one competent person in each district, to be known and act as inspector of fruit pests. Said inspectors shall be elected with reference to their study, and practical experience in horticulture. It shall be the duty of such inspectors to visit the nurseries, orchards, stores, packing houses, warehouses, and other places where horticultural products and fruits are kept and handled within their respective districts, and to see that the regulations of the State Board of Horticulture to prevent the spread of fruit pests and diseases of trees and plants, and the disinfection of fruits, trees, plants, grafts, scions, orchard debris, and empty fruit boxes and other material shall be fully carried out and complied with. Said inspector shall have free access, at all times, to all premises where any trees, plants, fruits or horticultural products or supplies are kept or handled, and shall have full power to enforce the rules and regulations of the State Horticultural Board, and to order the destruction and disinfection of any or all trees, plants, fruits or horticultural products or supplies found to be infected with any disease as prescribed or designated by said board.

Appointment of inspectors of fruit pests.

Term of office.

Qualifications.

Duty of Inspectors

Shall have access at all times to what places.

Powers.

Appointment of State Horticulturalist.

The said board shall appoint one person to be known as the State Horticulturalist.

Duties of State
Horticulturalist.

Section 1923 A. It shall be the duty of the State Horticulturalist to enforce the laws of the state relative to the growing and marketing of fruits, and traffic in nursery stock, the control and destruction of insect pests, fungus and bacterial diseases, the enforcement of the provisions relating to the licensing of firms, persons or corporations engaging in the business of selling or importing fruits, trees, plants, or nursery stock in this state; the collecting and publishing of information and statistics pertaining to horticulture, to keep a correct record of the transactions of the Board of Horticulture, supervise and direct the Horticultural Inspection Service, and the dissemination of horticultural knowledge, and the performance of such other duties as may be prescribed by law. He shall appoint as many local inspectors as he may deem necessary to conduct the work, as far as the available funds may allow, and such inspectors shall receive such sum per day as the said Board of Horticulture may agree upon, provided such sum shall, in no case, exceed the sum of Five Dollars per day, for the time actually employed. If the funds permit he may hold an annual inspectors institute at least once each year for the purpose of instructing and training the inspectors in their work, giving each inspector a written notice of such meetings at least ten days before the date of such meeting. He shall preside over and formulate the proceedings of the institute, which shall consist of lectures on insect pests and diseases, methods of control of the same and other matters pertaining to the horticultural interests. Inspectors attending these institutes who have reported regularly each month shall be allowed their actual traveling expenses and hotel bills on vouchers endorsed by the State Horticulturalist. Inspectors attending these institutes from points where inspection fees are less than twenty-five dollars per year shall be paid from the horticultural fund a sufficient amount to make their fees equivalent to twenty-five dollars per year upon recommendation of the State Horticulturalist, providing available funds warrant it. The State Horticulturalist

May appoint
local inspectors.

Compensation of
local inspectors.

May hold annual
inspector's in-
stitute, when.

To preside at
Meeting and for-
mulate the pro-
ceedings.

Traveling ex-
penses and hotel
bills to be allowed
to whom of In-
spectors.

State Horticultur-
alist may employ
clerk.

may employ one office clerk at a salary not to exceed one thousand dollars per year who shall be continually in the office of said State Horticulturalist during office hours. The State Horticulturalist shall prescribe the duties of the office clerk who shall hold appointment at the pleasure of the State Horticulturalist. The said State Horticulturalist shall receive an annual salary of Two Thousand Five Hundred Dollars payable monthly in the same manner as other State officers; also his expenses when away from his office on official business.

Said State Horticulturalist may also expend for stationery and postage, publishing, printing, office and office room rent, the sum not to exceed Two Thousand Dollars per year. Said sum shall be allowed by the State Board of Examiners, on the presentation of proper vouchers therefor.

Section 1924. It shall be the duty of every person or persons, corporation or corporations who sell or deliver to any person or persons, corporation or corporations, any trees, plants, vines, scions or grafts not previously inspected under the Provisions of this Act, to notify the State Horticulturalist whose duty it shall be to notify the inspector of said district wherein such vines, etc., etc., are to be delivered at least five days before said goods are to be delivered, giving the date and nursery, or railroad station where said trees, plants, scions, etc., etc., are to be delivered, together with the name of the party or parties who are to receive the same. It shall be the duty of the inspector receiving said notice, to inspect the said trees, plants, grafts, scions, etc., etc., as soon thereafter as practicable, and if the same be found free from any and all diseases and pests, as designated by said State Board of Horticulture, he shall so certify and attach a certificate of inspection to each lot or bill of trees, grafts, plants, scions, etc., which said certificate must contain a list of the said trees, grafts, scions, vines or plants so inspected. But if any of the trees, grafts, scions, vines or plants so inspected shall be found to be diseased or infested with any of the pests, as prescribed by the said board, then the inspector shall order the disinfection

Salary of clerk.

Duties and term of office.

Salary of State Horticulturalist.

Expenses.

Amount may be expended, and purposes.

To be allowed by State Board of Examiners.

Duty of dealers in Nursery products to notify State Horticulturalist of intended delivery of uninspected trees, plants, etc.

Inspector to be notified by Horticulturalist.

Contents of notice.

Duty of Inspector.

To attach Certificate, when.

Shall order disinfection or destruction, when.

Proviso.	tion or destruction of said trees, grafts, scions, vines, etc., etc., so diseased or infested, together with all boxes wrapping or packing pertaining thereto, Provided, that when any fruit or nursery stock is condemned by any inspector, said inspector shall notify the owner thereof, who may appeal to the State Horticulturist and from the ruling of the said State Horticulturist to the State Board of Horticulture whose decision shall be final, and charge and collect the sum of Ten Dollars (\$10) for the disinfection and inspection of each car load of said nursery stock, and a proportionate sum for less than car load lots as fixed by the board; provided that the State Board of Horticulture shall have power to designate certain places as quarantine stations, where all nursery stock brought into the state shall be inspected and disinfected; provided, that the provisions of this act shall not apply to any plants known as greenhouse plants and grown under glass. For the inspection of fruit, a fee of two cents per box or package with a maximum fee of Five Dollars for each separate lot or car shall be charged and collected. The inspectors shall collect such fees and shall not give certificates of inspection until the fees are paid.
Appeal to the State Horticulturist and also to State Board.	
Fee for disinfecting car of nursery stock, and for less lots.	
State Board may designate quarantine stations.	
Provisions not to apply to greenhouse.	
Fees for inspecting fruit.	
Certificates not to be given, until.	
Failure or refusal to comply with rules and regulations of Board or to disinfect, when ordered to do so, a misdemeanor.	Section 1925. If any person or persons in charge or control of any nursery, orchard, store room, packing house, or other place where horticultural products or supplies are handled or kept, shall fail or refuse to comply with the rules and regulations of the said State Board of Horticulture, or shall fail or refuse to disinfect or destroy diseased or infected trees, plants, scions, vines, grafts, shrubs or other horticultural supplies or products, when ordered so to do, by the inspector of such district, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than \$25.00 nor more than \$300.00.
Penalty.	
Duty of owner or manager of orchards, nurseries, store rooms, etc. to notify inspector of infection.	Section 1926. It shall be the duty of every owner or manager of every orchard, nursery, store room, packing house, or other place where horticultural products or supplies are kept or handled, which shall become diseased or infested with any injurious insect or pest, to immediately upon discovery of the existence of such disease or pest, to notify the in-

selector of said district of the existence of the same. It shall be the duty of such owner or manager at his own proper expense to comply with and carry out all the instructions of said inspectors for the eradication of any disease or pest. Any person who shall fail or refuse to notify said inspector, as herein provided, or who shall fail or refuse to comply with the instructions of said inspector for the eradication of any disease or pest, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than \$25.00 nor more than \$300.00.

Duty of such persons to comply with instruction of inspector in eradicating disease

Failure to comply with requirements herein a misdemeanor.

Penalty.

Section 1927. If any person or persons, corporation or corporations, shall fail or refuse to forthwith comply with the instructions of said inspector, for the eradication of any disease or pest, said inspector shall proceed forthwith to eradicate such disease or pest and the expense of the same shall become a charge and lien upon the property of such owner.

When inspector shall eradicate disease or pest at expense of owner.

Charges a lien on property of owner.

Section 1928. Every person who, for himself or as agent for any other person or persons, corporation or corporations, transportation company or common carrier, shall deliver or turn over to any person or persons, corporation or corporations, any trees, vines, shrubs, nursery stock, scions and grafts, without first having attached the inspector's certificate, as provided in Section 1924 of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum not less than \$25.00 nor more than \$300.00.

Delivery of nursery stock without inspector's certificate attached, a misdemeanor.

Penalty.

Section 1929. No person or persons, corporation or corporations, shall be liable to any other person or persons, corporation or corporations for any damage to any trees, vines or shrubs, nursery stock, scions or grafts, by reason of the same being held to await the certificate of the inspector as provided in Section 1924 of this act.

No liability between parties on account of produce being held for inspection or certificate.

Section 1930. The inspectors of fruit pests appointed, or selected by said board, shall receive as compensation for their services such sum as the board may regulate, provided not to exceed Five Dollars per day for the time actually employed. The members of said board shall receive no compensation for their services,

Inspectors of fruit pests; Compensation of.

Members of the Board to receive no compensation.

All bills to be audited by Board of Horticulture.	except actual expenses paid out. Section 1931. All bills for expenditures, under this act, shall be audited and passed upon by said Board of Horticulture, and if found legal and just, shall be allowed, subject to the approval of the State Board of Examiners, and a warrant shall be drawn therefor upon the Auditor of the State of Montana, who shall draw a warrant upon the State Treasurer therefor.
Subject to approval of State Board of Examiners.	Section 1932. The board shall biennially, in the month of January, report to the legislature a statement of its doings and abstracts of the reports of the inspectors of fruit pests, and of the State Horticulturalist.
Biennial report to the Legislature by Board.	Section 1933. All sums of moneys collected as fees, and fines for violations of any of the provisions of this act shall be turned into the State Treasury for use in defraying the expenses of the board hereby created, and the appropriations hereby made shall be paid out of the fund to the extent of the money therein contained.
Fines and fees to be paid into the State Treasury.	Section 1934. Every person who for himself, or as agent for any other person or persons, transportation company or common carrier, shall deliver or turn over to any person or persons, corporation or corporations, any fruits without first having attached the inspector's certificate, shall be deemed guilty of a misdemeanor.
Delivering fruit without inspection certificate a misdemeanor.	Section 1935. No person, firm or corporation shall engage or continue in the business of selling within the state, or importing fruit trees, plants, or nursery stock into the state, without first having obtained a license to do business in this state, as in this act provided.
All persons, firms and corporations to procure license before engaging, selling or importing nursery products.	Section 1936. Any person, firm or corporation may obtain a license to engage in the business of selling fruit trees, plants or nursery stock in this state, upon the payment of the sum of twenty-five dollars, and by filing with the State Horticulturalist a bond with sureties, in the sum of one thousand dollars (\$1,000.00), conditioned that the principals will faithfully obey the laws of the State of Montana, and that the said principals will pay the cost of fumigation of all nursery stock or other materials, or goods imported into or
Who may obtain a license.	
License fee and bond.	
Conditions of bond.	

sold within the state by the said principal or his or their agent, and the expense of destruction of any infected nursery stock. License granted under this act shall be for one year; provided, however, that such license may be revoked at any time for any violation of this act, at the discretion of the board.

License good for one year.

When license may be revoked.

Section 1937. It shall be the duty of every person, firm or corporation, licensed to do business under this act to notify the State Horticulturalist of his intention to ship an invoice of fruit trees, plants or nursery stock not previously inspected under the provisions of this Act, from one point to another in this state, or from any point without this state into this state. The said notice shall contain the name and address both of the consignor and consignee and the list of the goods to be shipped, the freight or express office at which the goods are to be delivered, and the name or title of the transportation company from whom the consignee is to receive the goods. Such notice shall be mailed at least five days before the day of shipment.

Notice of intention to ship nursery stock not inspected.

Contents of notice.

To be mailed not less than five days before shipment.

Section 1938. It shall be the duty of each person or corporation offering to sell, or selling and delivering any nursery stock, fruit trees, plants, vines, scions, cuttings, etc., etc., not previously inspected under the provisions of this Act, within the State of Montana, to place on each and every package so sold and delivered, a label or card, containing the name and address of both the consignor and consignee, and the invoice of the stock therein contained.

Label or card to be placed upon each package of uninspected nursery stock.

Section 1939. Any person or persons who shall receive and accept any nursery stock, fruit trees, plants, vines, scions, cuttings, grafts, etc., etc., that have not been inspected by a duly appointed inspector of the State Board of Horticulture, and shall use or dispose of said nursery stock, fruit trees, vines, plants, scions, cuttings, grafts, etc., etc., without first notifying the inspector and furnishing him an opportunity to examine, and if necessary fumigate said nursery stock, will be deemed guilty of a misdemeanor and will be subject to fine as further provided in this act.

Receiving uninspected nursery stock without first giving notice to the inspector and giving him opportunity to examine same, a misdemeanor.

Punishment.

Section 1940. All nursery stock, trees, plants, vines and cuttings grown or growing within the State of

Nursery stock grown in this State to be inspected and disinfected before being packed for delivery.

When inspector shall issue certificate.

Price of certificate.

Notice of time when nursery stock is ready for inspection.

Violation of any provisions of this Act, a misdemeanor.

Punishment.

State Board of Horticulture may establish quarantine, over what.

Establish rules and regulations concerning quarantine.

Violating provisions of this section or rules and regulations of the board, or orders, or shipping infected fruit, a misdemeanor.

Montana, used for filling orders shall, after said stock shall in the manner and at the times designated by the State Board of Horticulture, and before the same shall have been packed for delivery, be inspected by a duly appointed inspector and shall be disinfected by fumigating or other method, when, in his judgment such is necessary. After such inspection, if it be found that said nursery stock, trees, plants, vines and cuttings are clean and free from insects and fungi pests, he shall issue his certificate to said nursery man, and said certificate shall entitle him to use said stock, so inspected and disinfected, for filling orders for the next current delivery; and said inspector's certificate shall be furnished to those entitled to them at a price not to exceed forty (40) cents per hundred.

Nurseries shall give to the State Horticulturalist five days' notice of the time when said stock shall be ready for inspection under the provisions of this act.

Section 1941. Any person or persons, corporation or corporations, transportation companies or common carriers, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and fined in the sum of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00).

Section 1942. The Montana State Board of Horticulture is hereby authorized and empowered to establish a quarantine over any orchard or place where fruits are grown or kept, that is infested with any injurious disease or insect pest; and said board may establish such rules and regulations governing such quarantine and regulating or restricting the use of such fruits upon the premises or the shipment or disposition of the same as the Board may deem necessary to prevent the spreading of such disease or diseases or insect pests.

Any person who shall violate the provisions of this Section, or the rules and regulations established by said Board of Horticulture, or who shall ship or dispose of any diseased or infested fruit, or fruit products in violation of the order of said Board of Horticulture, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not less

than Twenty-five Dollars (\$25.00), nor more than Three Hundred Dollars (\$300.00). Penalty.

Section 1943. Whenever under the direction or regulations of the Montana State Board of Horticulture, any money is expended by said board for the purpose of eradicating any disease or insect pest from any orchard or other place where fruits are grown or kept, said board through its representative shall notify the owner of such orchard or premises in writing of the amount so expended. Said notice shall be mailed to the last known address of such owner and if such owner shall fail to pay the amount so expended by said board within thirty days of the time such notice is sent, then and in that event the board shall file a statement verified under oath by its representative, with the county treasurer in the county wherein said money shall have been expended. Said statement shall set forth the amount so expended together with the correct description of the property on which such money was expended as it appears on the assessment roll of the county. The County Treasurer shall add the amount as set forth in said statement to the taxes upon said property and shall collect the same as provided by the law for the collection of taxes for state and county purposes.

Board of Horticulture shall notify owner of orchard or other place of amount of money expended in eradicating disease or pest by it.

If owner fails to pay the amount within thirty days after notice.

Board to file verified statement with County Treasurer.

Contents of statement.

Amount to be added to amount of taxes against premises.

Section 1944. The County Treasurer in any county where any money is collected as provided in Section 1943 of this act, shall on or before the first day of February of each year remit the amount to the State Horticulturalist, who shall remit the same to the State Treasurer and such remittance, together with all other fees and remittances paid into the State Treasury by the State Board of Horticulture, shall be added to the appropriation for the use of the said board in the year in which such remittances are made and all such remittances shall be credited to the fund for the use of the State Board of Horticulture.

Money collected by County Treasurer, as provided in Section 1943 to be remitted to the Board.

Board shall remit same to State Treasurer.

Disposition of funds.

Section 2. Sections 1920 and 1933 of the Revised Codes of 1907, and all acts and parts of acts in conflict herewith, are hereby repealed.

Repealing Sections 1920 and 1933. Revised Codes 1907.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved March 7, 1911.

CHAPTER 122.

An Act providing for a juvenile court procedure, providing for the appointment of probation officers, outlining their duties and specifying their compensation, defining juvenile delinquent persons and a delinquent child, providing a lawful method of procedure against juvenile delinquents, their parents and guardians, specifying places for their temporary and permanent detention and the compensation for their care, providing for time and place of trial, providing methods and means to carry the provisions of this act into effect. Repealing Sections 9423 to 9439 inclusive of the Revised Codes of the State of Montana for 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Defining: "Delinquent Child" and "Juvenile Delinquent."

Section 1. For the purpose of this act, the words "delinquent child" and the words, "juvenile delinquent person" shall respectively mean and include any child seventeen (17) years of age, or under such age, who violates any law of this state or any city ordinance of any city or town in this state; or who is incorrigible; or who knowingly associates with a thief or with a vicious or immoral person: or who knowingly visits or lives in a house of prostitution, or in a house of ill fame; or who is growing up in idleness or crime; or who knowingly patronizes or visits any place, house, apartment or building where any gambling device is, or devices are, or shall be run or operated or used, or are kept for such purposes, or where any gambling is done or conducted; or who patronizes or habitually visits any saloon or saloons, dram shop, or dram shops, or who purchases at any saloon or dram shop any wines, beverages or intoxicating liquors for itself; or who patronizes or visits any pool room which is run in connection with a saloon, or where liquor is sold, or rooms where pools are sold at any time; or visits or patronizes any bucket shop or shops; or who wanders about the streets of any town or city in the night time, without being on any lawful business or occupation: or who habitually wanders about or visits any railroad yards or tracks, or hooks or jumps onto any moving train or trains; or who enters any car or cars,

engine or engines without a lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any school house or school grounds; or who shall become addicted to the use of spirituous or intoxicating liquors as a beverage, and not for medicinal purposes prescribed by a physician; or who shall have become addicted to the use of drugs other than prescribed by a physician, or who shall become addicted to the use of cigarettes.

Section 2. Any child of the age of seventeen (17) years, or under such age, who shall commit any of the acts or do any of the things mentioned in the above section shall be deemed a delinquent child, or a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such case, shall not in any civil or criminal or other cause or procedure whatever in any court, be lawful or proper evidence against such child for any purpose whatever, excepting in any subsequent case against the same child prosecuted under this act. The word "child", or "children" may mean one or more children, and the word "parent" or "parents" may mean one or more parents, when consistent with the intent of this act.

Section 3. The district courts of the several counties in this state shall have jurisdiction in all cases coming within the terms and provisions of this act. In trials under this act the child complained against or any person interested in such child, shall have the right to demand a trial by jury, which shall be granted as in other cases, unless waived, or the judge of his own motion may call a jury to try such case. A special record book or books shall be kept by the chief probation officer of the court, who shall be also the clerk in attendance at all hearings under this act, to be known as "The Juvenile Delinquent Record," and the docket or calendar of the court upon which there shall appear the case or cases, under the provisions of this act shall be known as "The Juvenile Docket." Between the first and thirteenth day of March, of each year, the

When a child shall be deemed a delinquent or juvenile delinquent.

Proceeding against

What shall not be evidence against such child.

The word "Child" may mean "Children."

The word "Parent" may mean "parents."

Jurisdiction of the District Court.

Jury trial secured.

Chief Probation officer to be clerk of the court in such cases, and keep record of proceedings in special book.

Book to be known as "The Juvenile Delinquent Record."

The Juvenile Docket.

Annual Report of
Chief Probation
officer.

Prescribed Con-
tents of report.

Proceedings shall
be by petition.

What petition
shall set forth
acts of child.

Who may file a
petition and mat-
ter to be stated
therein.

Further matters
to be set forth in
the petition.

chief probation officer shall prepare a written report of the cases had in this department, showing the number and disposition of delinquent children brought before such court, together with such other and useful information regarding such cases, and the parentage of such children, as may be reasonably obtained at the hearings thereof; provided, that the name and identity of any such child or parent shall not be disclosed in such report.

Section 4. All proceedings under this act shall be by petition duly sworn to and filed with the clerk of the district court. In any such petition filed under this act, the act or acts claimed to have been committed by the child proceeded against shall, in a general way, be stated therein as constituting a juvenile delinquent child, or person.

Section 5. Any reputable person being a resident of the county may file with the clerk of the court having jurisdiction of the matter a petition in writing, setting forth that a certain child, naming it, within his county, not now or hereafter an inmate of a State institution incorporated under the laws of this state, is a delinquent person, as defined in Section 1 hereof; and that it is for the best interests of the child and this State that the child be taken from its parent, parents, custodian or guardian, and placed under the care of some suitable person to be appointed by the Court or committed to some institution or society that has for its objects the care of delinquent children; and that the parent or parents, custodian or guardian of said child are unfit or improper guardians, or are unwilling or unable to care for, protect, train, educate, control or discipline such child or that the parent, parents, guardian or custodian consent that such child be taken from them. The petitioner shall set forth either the name or that the name is unknown to the petitioner (a) of the person having the custody of such child; and (b) of each of the parents, or the surviving parent of a legitimate child, or of the mother of an illegitimate child, or (c) if it allege that both of said parents, or such mother is dead, then of the guardian, if any, of such child; (d) if it alleges that both parents are, or that such mother

is dead, and that no such guardian of such child is known to petitioner, then of a near relative, or that none such is known to petitioner. The petition shall also state the residence of such parties, as far as the same are known to such petitioner. All persons named in such petition shall be made defendants by name and shall be notified of such proceedings in the same manner as is or may hereafter be required in civil proceedings by the laws of this State. Upon the filing of any petition under this Act a citation shall be issued by the Clerk of the Court, under the direction of the judge having jurisdiction, ordering and directing the person alleged to have the custody of such child to appear with the child at the time and place stated in the citation and show cause before said court; and shall also require all defendants to be and appear and answer the petition on the return day of the citation. The citation shall be made returnable at any time within twenty days after the date thereof and may be served by the sheriff or by any duly appointed probation officer, even though such officer be the petitioner. The return of such citation with endorsement of services by the sheriff or such probation officer in accordance herewith shall be sufficient proof thereof, but no incarceration of the child proceeded against thereunder shall be made or had, unless, in the opinion of the judge of the district court, or, in the absence of the judge from the county seat, then in the opinion of the justice of the peace or committing and examining magistrate, it shall be necessary to insure its attendance in court at such time as shall be required. In order to avoid such incarceration if practical, it shall be the duty of the judge having jurisdiction to serve a notice of the proceedings upon the parent of the child, if living and known, or its legal guardian, or, if his or her whereabouts or residence is not known or if neither parent nor guardian shall be in this state, then some relative living in the county, if any there be whose whereabouts is known, and such judge having jurisdiction may accept the written or verbal promise of such person so notified, except in felony cases, or of any other proper person, to be responsible for the presence

Persons to be named as defendants.

Citation to be issued setting forth and requiring, what.

When to be made returnable.

Served by whom.

Proof of service.

Child not to be incarcerated, except when.

How incarceration to be avoided and the appearance of the child secured.

Felony cases excepted.

When custodian of child may be proceeded against as in contempt for the non-appearance of child.

How and when warrant, capias or alias may be issued and served.

No child under 17 years of age shall be incarcerated in any common jail or lock-up.

Violation of this provision a misdemeanor.

Punishment.

Child shall be taken directly before District court, or if it is not then in session, before a justice of the peace, or police magistrate.

Probation officer to be notified and duty of officer.

Justice of the peace or police magistrate to act as committing and examining magistrate only.

Hearing.

When case to be transferred to district court.

Proceedings in district court.

of such child at the hearing of such case, or at any other time to which the case may be continued or adjourned by the court. In case such child shall fail to appear at such time or times as the court may require, the person or persons responsible for its appearance as herein provided for, unless, in the opinion of the court there shall be a reasonable cause for such failure of such child to appear as herein provided for may be proceeded against as in cases for contempt of court, and punished accordingly; and where any such child shall have failed to appear, as required by the court or its officers, any warrant, capias or alias, issued in such case, may be executed as in other cases; Provided, however, that no child within the provisions of this act under seventeen (17) years of age shall, under any circumstances, be incarcerated in any common jail or lock-up and any officer or person violating this provision of this act shall be guilty of a misdemeanor, and, on conviction, fined in a sum not to exceed one hundred (\$100.00) dollars.

Section 6. When any child seventeen (17) years of age, or under, is taken into custody, such child shall be taken directly before the district court, or, if the district court is not then in session in said county, it may be taken before a justice of the peace or a police magistrate, who shall at once notify the chief probation officer of the county, who shall make investigation of such case as in other cases where complaint has been made or petition duly filed and after investigation, as herein provided, by the said chief probation officer, then the justice of the peace or police magistrate shall act as a committing and examining magistrate only, and it shall be his duty to proceed with the hearing thereof, after granting to the child or such person as may be representing it, reasonable opportunity to obtain counsel, if counsel be desired by the accused, and as soon as the defendant can procure its witnesses. In case the examining magistrate hold the child for trial to the district court, it shall be the duty of the magistrate to transfer the case to said district court, and the probation officer having the child in charge to take the child before the court, and the district court may

proceed to hear and dispose of the case in the same manner as if said child had been brought before the court upon petition originally filed as hereinbefore provided; or, when necessary, when the delinquency charged would otherwise constitute a felony, may direct such child to be kept in proper custody until investigation, and an information may be filed as in other cases of felony or misdemeanor under the laws of the state; Provided, that nothing herein shall be construed to confer jurisdiction upon any justice of the peace or police court to try any case against any child seventeen (17) years of age, or under. In any case the Court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

In case of
felony.

Jurisdiction not
conferred upon
justice or police
magistrate to try
case.

Notice and inves-
tigation to be had
in any case.

Section 7. The place of trial of any person complained of or informed against for the violation of any of the provisions of this act shall be in the county in which any child shall have been a delinquent child, unless a change of venue of the person complained of or informed against for the violation of said section No. Six is had, as provided by law for a change of venue in criminal cases.

Place of trial.

Section 8. All trials of such children as are affected by this act shall be held in chambers or in a room provided for such purposes. The judge of such court shall designate a certain time for the trial of such cases, and is hereby empowered to exclude from the room at such trials any and all persons that do not represent the interest of the child or those not necessary for the trial of the case. The probation officer shall be present at every trial in the interest of the child on trial. Agents of Child Saving Institutions and Societies, and persons actively engaged in Child Saving Work shall be permitted to be present at the hearing of all childrens cases.

Trial to be held
in chambers or a
room provided for
such purpose.

To set time for
trial.

What persons
shall be excluded
from room.

Probation officer
to be present in
interest of the
child.

Persons who shall
be permitted to be
present at hear-
ing.

Section 9. It shall be the duty of the county attorney, on request of the judges exercising jurisdiction provided for in this act to prosecute all persons charged with violating any of the provisions of this act.

Duty of county
attorney.

Section 10. The provisions of law relating to ap-

Appeals, provisions of law appealed to.

peals,—allowance and signing bills of exceptions shall apply to persons over seventeen (17) years of age under this act, and from the judgment of the court or judge under this act, appeals may be prosecuted as in other criminal cases.

Judge may suspend sentences of imprisonment.

Section 11. In every case of conviction under this act and where imprisonment is imposed as part of the punishment, the judge may suspend such sentence, upon such terms as he may impose.

In districts where there are more than one judge, who shall preside.

Section 12. In districts where there are more than one judge, one of the judges shall be designated to act as the judge who shall hear all proceedings under this act; Provided, that in districts where judges are required to travel from one county to another, either one of the judges may act.

Juvenile improvement committee.

Section 13. In every county in the state the judge having jurisdiction shall appoint a committee, willing to act without compensation, or composed of seven reputable citizens of both sexes, which committee shall be designated as a juvenile improvement committee; this committee shall be subject to the call of the judge to meet and confer with him on all matters pertaining to the juvenile department of the court, and shall act as a supervisory committee of such detention home.

To consist of whom.

Committee shall be subject to call of judge to meet and confer, on what matters.

Chief probation officer shall be appointed in what counties.

Section 14. In every county of this state having a population of forty thousand (40,000) or above, according to the last preceding United States census, there shall be appointed by the judge of the district court having jurisdiction, one discreet person of good moral character, who shall be known as the chief probation officer, and who shall serve during the pleasure of the court, and shall receive for his or her services the sum of eighteen hundred (\$1800.00) dollars per year. Said sum to cover salary, and to be paid by the county treasurer. That the said judge of the district court, if in his opinion the circumstances require, may appoint other persons, but not to exceed two (2), to serve as probation officers, who shall receive not to exceed one hundred (\$100.00) per month, and to serve at the will of the court, and be paid by the county treasurer as above set forth; and provided, that said judge of the district court may appoint, as probation officers,

Term of service.

Salary and payment of.

May appoint other probation officers.

Salaries.

How paid.

such other discreet persons, of good moral character as are willing to serve without compensation; and provided, that in counties having a population of less than forty thousand (40,000) the district judge having jurisdiction may appoint, one discreet person of good moral character as probation officer, who shall be compensated at the rate of five (\$5.00) dollars a day for each day or part of a day he may be actually on duty, upon proper voucher filed with the county auditor or county commissioners, said sum to cover salary and to be paid by the county treasurer as hereinafter provided; and the said judge may appoint such other discreet persons of good moral character as probation officers, who are willing to serve without compensation. It shall be the duty of the clerk of the district court immediately upon the appointment of a probation officer to notify all courts and magistrates of any county in which the said officer is appointed, giving them the names and post-office addresses of such officers. The duties of said probation officer or officers shall be such as hereinafter prescribed.

Whenever a complaint is made or pending against a boy or girl, before they have completed their seventeenth year (17th), for the commission of any offense not punishable by law with life imprisonment, or for which the penalty is death, before any court or magistrate, it shall be the duty of such court or magistrate at once and before any other proceedings are had in the cause, to give notice in writing of the pendency of said cause to the probation officer of his county. Said probation officer shall immediately, or as soon thereafter as possible, proceed to inquire into and make a full examination and investigation of the facts and circumstances surrounding the commission of the alleged offense, the parentage and surroundings of said child, its exact age, habits and school record, and everything that will throw light on its life and character, and may also inquire into the home conditions, habits and character of the parents or guardians, and shall make a full report thereon in writing to the judge of the district court having charge of such cases, before said cause is tried. If, upon consultation with the pro-

Other probation officers to serve without compensation.

In counties of less than 40,000 inhabitants judge may appoint one probation officer.

Compensation.

How and by whom paid.

May appoint other probation officers without pay.

Duty of clerk of court to notify all courts and magistrates in the county.

Duty of court or magistrate before whom complaint is pending against child under seventeen, of an offence not punishable by life imprisonment or death.

Duty of probation officer to investigate facts and circumstances and things named.

To make report to the judge before trial.

When court shall
dismiss cause
without trial.

Probation officer
to attend all
hearings and
represent the in-
terest of the
child.

Shall take charge
of child before or
after the trial as
court may direct.
Other duties and
powers.

May arrest with-
out warrant.

If child is convict-
ed the court may
withhold judgment.

May order child
returned to pa-
rents, or guardian
or friends, or
commit it to care
of a volunteer
probation officer.

May make other
disposition of
child, as set
forth.

bation officer and examination of such report, it shall appear to the judge of said court that the child is not guilty of the offense charged against it, or that the interest of the child shall be best subserved thereby, the court shall order that such be not brought into court and said cause shall be dismissed. Said chief probation officer shall attend all hearings under this act and represent the interests of the child and shall take charge of any child before or after the trial, as the judge may direct; he shall serve warrants and other process of the court, within or without the county, and in that respect they are hereby clothed with the powers and authority of sheriffs; they can make arrests without warrant upon view of the violation of any of the provisions of this act and detain the person so arrested pending the issuance of a warrant, and perform such other duties incident to their offices as the judge may direct, and all sheriffs, deputy sheriffs, constables, marshalls and police officers are required to render assistance to probation officers in the performance of their duties when requested to do so.

If upon the trial of any child the court shall find that such child is guilty of the offense charged, he may withhold judgement for a definite or indefinite period if it appear that the public and the interest of the child will be best subserved thereby, and may order that such child be returned to the care of his or her parents, guardians or friends; or he may commit such child to the care of a volunteer probation officer who shall exercise supervision over it until such time as it is discharged by the court from supervision upon the recommendation of such volunteer probation officer, and if the parents, parent, guardian or custodian consent thereto, or if the Court shall further find either that the parent, parents, guardian or custodian are unfit or improper guardians, or are unable or unwilling to care for, protect, educate or discipline such child, and shall further find that it is for the best interest of such child and for the people of this State that such child be taken from the custody of its parents, custodian or guardian, the court may order such child to be placed in the family of some suitable person where such family

home shall be recommended by the probation officer of the court after consultation with those representing the interests of the child, there to remain until he or she shall have attained the age of twenty-one years or for any less time, or the court may order such child to be placed in the home where the county's dependent children are kept; or, if it appears to be for the best interests of the child, and such child appears to be in need of institutional training, the court may order him or her to be committed to some state institution, or some institution of learning managed by a corporation or an individual, and devoted to the care of such children, for a definite or indefinite period; said institution to be situated in the State of Montana, and to be inspected at least once a year and approved by the Bureau of Child and Animal Protection, and to receive for its services a per diem of thirty-five cents for each day that such child shall be in its custody, such per diem to be paid by the county sending the child, upon itemized vouchers duly certified to by the court; or the court may impose a fine with costs, or the court may for good cause shown suspend judgment in any case for a definite or indefinite period; or, if the offense be a malicious trespass, the court may require the damage to be made good, or if the offense be petit larceny and the stolen property is not recovered, the court may require it to be paid for by the delinquent child himself if it be shown that he or she is of earning the money or has money of his or her own, or its parent or guardian, at the discretion of the court; and in all the foregoing cases, where the parents or guardian are unfit to have the custody of said child, or unable to control said child, the court may deem the child to be the ward of the court, as far as its person is concerned; and in all cases where any child has been decreed to be the ward of the court, the authority of the court over its person shall continue until the court shall otherwise decree, and the court may adopt all rules and regulations that may be needed in order to carry out the provisions of this act. In every case in which the court shall commit any child to the care and custody of any other institution as above provided.

Or placed in the home of the county's dependent children.

Or some state institution, or institution of learning devoted to the care of such children, situated in the state.

Compensation to such school or institution.

May impose fine with costs.

Suspend judgment.

In case of malicious trespass.

Or petit larceny.

May deem the child the ward of the court.

Court may adopt rules and regulations to carry out the provisions of this act.

Where court may require parent to appear and show cause why he or she should not pay for support of child in private institution.

Order to be served on such parent or guardian.

Hearing upon day fixed.

Judgment.

How judgment to be enforced.

Duty of chief probation officer.

Quarterly reports of chief probation officer of money received and disbursed.

Report to be filed, where.

When child may be committed to the Industrial school or other state penal or reformatory institution.

other than a state institution and such child shall have a parent or guardian within the county, the court may make and enter an order requiring such parent or guardian to appear before said court upon a day and hour to be named by the court therein, and show cause, if any she or he have, why she or he should not pay for the support of such child, in whole or in part, while it is an inmate of such institution. A certified copy of said order shall be served upon such parent or guardian by the chief probation officer of the county not less than ten days prior to the day fixed therein for such appearance. Upon due service and return of said order, the court shall, upon the day fixed or upon such subsequent day as may be fixed by the court, hear evidence as to the financial ability of such parent or guardian, and in case the court shall find that such parent or guardian should pay for or contribute to the support and maintenance of such child, the court shall render judgment against such parent or guardian that that parent or guardian shall pay to the chief probation officer such sums as the court shall adjudge and at such time and in such amounts as shall be by the court found just. And such judgment shall be enforced as other judgments are enforced, and all monies collected on such judgments shall be held by the chief probation officer and shall be remitted quarterly by him to the institution keeping such child or children, and the amount so remitted shall be deducted from the quarterly bill of such institution.

Provided, that the chief probation officer shall make a verified report to the court at the close of each quarter of the amount of money so collected on such judgments which report the judge shall cause to be filed with the county commissioners with the bill rendered by the institution keeping such child. If any child is way-ward and unmanageable, the court may commit him or her to the Industrial School, or to any other state penal or reformatory institution authorized by law to receive such boy or girl, subject to such conditions as are already provided by law for the reception of such children in said schools and institutions. And in all cases where a child shall be committed to a

state or other institution as above provided, the report of the probation officer shall be attached to the commitment and the child shall be placed in charge of the probation officer, or some person designated by the court to be conveyed under his direction, to the designated institution; Provided, that a woman shall always be sent with the girls so committed, and the person taking such child to the designated institution shall be allowed and paid his or her actual expenses and no more, where he or she is a paid officer of such court, appointed by the court, and in all other cases the person taking such child to any institution shall be allowed and paid for his or her services, the same fees and expenses as are paid to sheriffs in like cases;

Report of probation officer to be attached to commitment.

Proviso.

Expenses of person taking child to institution to be paid.

And provided, that the court may when the health or condition of the child requires it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge or for the per diem of thirty-five cents a day;

When child may be placed in a public hospital or other institutions of like nature.

Provided, that when any child contemplated by this act shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in any room yard or enclosure with such adult convicts, or to allow them in any manner to come in contact with them or in any way commingle with such adult convicts, or to bring such child into any yard or room in which adult convicts may be present;

A child shall not be confined with or come in contact with adult convicts.

And Provided that in every trial of any such child he shall be entitled to a trial by a jury of twelve persons if he shall so elect, and,

Jury trial secured.

Provided, that if any such boy or girl against whom a petition is filed is unable to give bond, and the court does not release him or her on his or her own recognizance, then said boy or girl shall be entitled to an immediate hearing and trial, according to law.

When accused is unable to give bond an immediate trial shall be had.

Provided that the commitment of any child to an institution or association or society shall be subject to the rules and laws that may be in force from time to time governing such institution, association or society.

Commission to an institution, association or society shall be subject to what rules and laws

When convicted
Child may be re-
turned to its home
by the court under
probation, parole
or otherwise.

Intention of this
act.

Notice to be first
given to whom.

Reports may be
required by the
court in answer
to citations of
persons, institu-
tions and asso-
ciations to whom
or which the
care of a child
has been com-
mitted.

Duty to make re-
port, when and
how.

Power of the
court.

Written statement
of returns to be
given.

Probation officer to
keep record.

Children to be
placed with per-
sons of like re-
ligious belief.

Provided that when it shall be made to appear to the Court that the home of the child or of his parents, former guardian or custodian, is a suitable place for such child, and that such child could be permitted to remain or ordered to be returned to said home, consistent with the public good and the good of such child, the Court may enter an order to that effect, returning such child to his home under probation parole or otherwise; it being the intention of this Act that no child should be taken away or kept out of his home or away from his parents or guardian any longer than is reasonably necessary to preserve the welfare of the child and the interest of this State; Provided, however, that no such order shall be entered without first giving ten days notice to the person, institution or association to whose care such child has been committed, unless such guardian, institution, or association consents to such order.

And Provided, the Court may from time to time, cite into court the person, institution, association or society, to whose care any delinquent child has been awarded, and require him or it to make a full, true and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such person, institution or association, within ten days after such citation, to make such report, either in writing, verified by affidavit, or verbally under oath, in open Court or otherwise, as the Court shall direct; and upon the hearing of such report with or without further evidence, the Court may, if it sees fit, take such child from said person, institution, association or society, and place it with another, or restore such child to the custody of its parents or former guardian or custodian.

Section 15. Each person released upon probation, as aforesaid, shall be furnished by the court with a written statement of the terms and conditions of his release. Each probation officer shall keep full records of all cases placed in his care by the court, and of any other duties performed by him under this act.

Section 16. The court, in committing children, shall place them, as far as practicable, in the care and custody of some individual holding the same religious belief

as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of said child.

Section 17. It shall be lawful for the parents, parent or guardian or other person having the right to dispose of dependent or neglected child to enter into an agreement with any association or institution incorporated under any public or private law of this state, for the purpose of aiding, caring for or placing in homes such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution, or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the institution or association, by its attorney or agent, to appear in any proceeding for the legal adoption of such child, and consent to its adoption, and the order of the Court made upon such consent shall be binding upon the child and its parents or guardian or other person the same as if such person were personally present in court and consented thereto, whether made a party to the proceeding or not.

Parents and guardians may contract in regard to the keeping of children.

What agreement may contain, including proceedings of adoption.

Order of the Court made upon such contracts to bind the child, parents or guardian.

Section 18. Any parent or parents, legal guardian or other persons who shall encourage, wilfully cause or contribute to, or through negligence in the care, custody, guidance, education, maintenance or direction of any child of the age of seventeen (17) years, or under such age, cause or permit such child to violate any law of this state, or the ordinance or ordinances of any city of this state, or to be or become incorrigible, or to knowingly associate with thieves, vicious or immoral persons; or to grow up in idleness or crime, or to knowingly enter a house of prostitution; or to knowingly visit or patronize any place, house or apartment building where any gambling device is or devices are, or shall be operated or run, or where any gambling is done or conducted or to patronize or visit any saloon or saloons, or dram shop or dram shops, where intoxicating liquors are sold, or to patronize or visit any public pool room or pool rooms, or bucket shop, or to wander about the streets of any town or city in the night time, without being on lawful business or occupation, or to

Parents or guardians or other persons who shall cause or wilfully encourage or through negligence cause or permit any child to become a delinquent or juvenile delinquent shall be guilty of a misdemeanor.

habitually wander about or visit any railroad yards or tracks, or to jump or hook onto any moving train, or to enter any car or engines, without lawful authority; to habitually use, any vile, obscene, vulgar, profane, or indecent language, or to be guilty of immoral conduct in any public place, or about any school house or grounds, or keep, or permit it in or about any saloon or place where spirituous liquors, or intoxicating liquors are sold or handled or in any gambling house or place where gambling is practiced, or in a house of ill-fame or prostitution; or to become addicted to the use of spirituous and intoxicating liquors not for medicinal purposes prescribed by a physician, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not less than Ten Dollars (\$10.00), and not to exceed One Thousand Dollars (\$1000.) or imprisonment in the county jail for a period not exceeding nine (9) months, or by both such fine and imprisonment.

Penalty.

Condition upon which courts may suspend sentence for violations of Section 18 herein.

Section 19. The court may suspend any sentence for the violation of the provisions of Section 18 of this Act, or release any person sentenced under this Act from custody upon condition that such person shall furnish a good and sufficient bond or undertaking to the State of Montana, in such penal sum, not exceeding three thousand (\$3,000.00) Dollars, as the court shall determine, upon conditions to be prescribed or imposed by the Court, as seem most calculated to remove the cause of such delinquency of the child or children, and while such conditions are accepted and complied with by such persons, such sentence may, in the discretion of the court, remain suspended, and such persons shall be considered on probation in said court; and in case a bond is given as provided herein the conditions prescribed by the court may be made a part of the terms and conditions of such bond.

When sentence may remain suspended and the conditions thereof.

When bond may be declared forfeited and sentence executed.

Section 20. Upon the failure of any person to comply with the terms and conditions of such bond, or of the conditions imposed by the court, such bond or the term of probations may be declared forfeited and terminated by the court, and the original sentence executed as though it had never been suspended, and the

Jail term.

terms of any jail sentence imposed in any such case shall commence from the date of the incarceration of any such person after the forfeiture of such bond or term of probation. There shall be deducted from any such period of incarceration any part of such sentence which may have already been served.

Section 21. It shall not be necessary to bring a separate suit to recover the penalty of any such bond forfeited, but the court may cause a citation to issue to the surety or sureties thereon, requiring that he or she appear at a time named therein by the court, which time shall not be less than ten or more than twenty days from the issuance thereof, and show cause, if any there be, why judgment should not be entered for the penalty of such bond and execution issue for the amount thereof against the property of the surety or sureties thereon, as in civil cases, and, upon failure to appear or failure to show any sufficient cause, the court shall enter judgment in behalf of the State of Montana, against the surety or sureties. Any monies collected or paid upon any such execution or in any case upon said bond, shall be turned over to the county treasurer of the county in which such bond is given, to be applied to the care and maintenance of the child or children for whose dependency such conviction was had in such manner and upon such terms as the District Court may direct.

Provided, that if it shall not be necessary in the opinion of the court to use such fund or any part thereof for the support and maintenance of such child, the same shall be paid into the county treasury and become a part of the funds of such county.

Section 22. The county commissioners of all counties to which this Act applies are hereby authorized, empowered and required to provide the necessary funds and to make all needful appropriations to carry out the provisions of this act; and in counties with a population of over forty thousand (40,000) inhabitants, the County Commissioners shall provide by purchase, lease or otherwise, a place to be known as a detention home, within convenient distance of the court house, not used for the confinement of adult persons charged with crim-

Suit not necessary to recover Penalty of such forfeited bond.

Proceedings to enforce bond.

Judgment entered upon, failure to appear.

Disposition of moneys collected upon bond forfeits.

Proviso.

County commissioners authorized and empowered to provide funds for carrying out Act.

Detention home to be provided in counties having over forty thousand inhabitants.

Use of detention home.

inal offenses, where delinquent, dependent, or neglected children may be detained, until final disposition, which place shall be maintained by the county as in other like cases.

When, and counties in which judge may appoint a superintendent and matron of detention home.

And in counties having a population in excess of forty thousand (40,000) the judge having jurisdiction may appoint a Superintendent and matron subject to ratification of the Juvenile Improvement Committee who shall have charge of such home and of the delinquent dependent and neglected minors detained therein.

Qualifications of superintendent and matron.

Such superintendent and matron shall be suitable and discreet persons, qualified as teachers of children. Such home shall be furnished in a comfortable manner, as nearly as may be as a family home. The compensation of such superintendent and matron shall be fixed by the County Commissioners, such compensation and the maintaining of such home shall be paid out of the county treasury upon a warrant of the County Auditor, which shall be issued upon the itemized vouchers sworn to by the superintendent and certified by the Judge.

Furnishing of home.

Compensation of superintendent and matron.

How paid, with expenses of home.

Duties of county Commissioners in regard to funds for home.

When such detention home is provided for by the County Commissioners, the said Commissioners shall enter an order on their journal, transferring to the proper fund from any other fund or funds of the county, in their discretion such sums as may be necessary to purchase or lease said home and properly furnish and conduct the same and pay the compensation of the superintendent and Matron. Said Commissioners shall likewise upon the appointment of probation officers as provided in this act, transfer to the proper fund from any other fund or funds of the county, in their discretion, such as may be necessary to pay such probation officers as provided for herein, such transfer to be made on the authority of this Act alone.

Transfer of funds to pay probation officer.

Taxes for maintaining same.

At the next tax levying period, provisions shall be made for the expenses of the Court as herein provided.

What Act does not repeal.

Section 23. Nothing in this Act shall be construed to repeal any portion of Sections 8345, 8346, 8347, 8348, 8349, and 8350 of the Revised Codes of Montana 1907, or any amendments thereof, nor shall anything in this Act be construed to repeal any existing law providing

for the support, maintenance, guidance, education, or protection by parents of their minor children, and nothing in said laws shall prevent proceedings under this Act in any proper case.

Existing laws not to prevent prosecution hereunder.

Section 24. This Act shall be liberally construed, to the end that its purpose may be carried out, to-wit: That the care, custody, education and discipline of the child shall approximate as nearly as may be that which should be given it by its parents, and that, as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance.

Construction of Act.

How delinquent children are to be treated.

And as far as practicable, in proper cases, that the parent or parents or guardians of such child may be compelled to perform their moral and legal duty in the interest of the child and all fees and costs in all cases coming within the provisions of this Act, together with such sums as shall be necessary for the incidental expenses of such court and its officers and together with the costs of transportation of children to places to which they may be committed, shall be paid out of the county treasury of the County, upon itemized vouchers, certified to by the Judge of the Court.

Parents and Guardians to be compelled to perform duties as far as possible.

How fees and costs and transportation and other expenses are to be paid.

Section 25. Nothing in this Act shall be construed to repeal any portion of the acts relating to the Industrial Schools or the Act or Acts relating to the Bureau of Child and Animal Protection.

Act not to be construed to repeal what laws.

Section 26. In counties of over forty thousand (40,000) inhabitants the chief probation officer shall be required to furnish to the State of Montana, a bond in the sum of Five Thousand (\$5,000.00) Dollars, for the faithful performance of his duties; in counties with less than forty thousand (40,000) inhabitants the chief probation officer shall furnish to the State of Montana a bond in the sum of two thousand dollars (\$2,000.00) for the faithful performance of his duties.

Bond of Chief Probation Officer in counties of over forty thousand inhabitants.

Bond in other counties.

Section 27. Section 9423, 9424, 9425, 9426, 9427, 9428, 9429, 9430, 9431, 9432, 9433, 9434, 9435, 9436, 9437, 9438, and 9439, of the Revised Codes of Montana, 1907, are hereby repealed.

Sections of Revised Codes, 1907 repealed.

Section 28. This Act shall be in full force and effect from and after its passage and approval.

Act shall take effect.

Approved March 7, 1911.

CHAPTER 123.

An Act to regulate the sale of irrigable state lands capable of reclamation under any canal or proposed canal or other irrigation system.

Be it enacted by the Legislative Assembly of the State of Montana:

Irrigable state lands under any irrigation system shall be sold in farm units.

Section 1. In order to assist in the reclamation and settlement of arid lands in this state, and for the purpose of co-operating with and aiding in the construction of works for the irrigation and reclamation of arid lands, all lands now or hereafter owned by the state and designated as irrigable lands under any existing or proposed irrigation system in Montana shall be disposed of in farm units and at public sale.

Withdrawal of irrigable lands under irrigation system until completion of system.

Section 2. Any irrigation company or association now operating in this state, or which shall hereafter propose to operate for the reclamation of arid lands, shall file with the State Board of Land Commissioners a petition asking that an order be made and entered withdrawing from sale all irrigable state lands embraced within the irrigation project until the completion of the irrigation system whereby such state land may be reclaimed.

Plat must be filed with petition showing what.

There shall be filed, accompanying said petition, a plat showing the location of the lands owned by the state with reference to the proposed or existing irrigation system, and satisfactory evidence must be submitted to the Board showing the ability of the corporation, association, person or persons to complete the irrigation system and provide a sufficient supply of water to reclaim the state lands embraced in the project, and also showing that the state lands are so located that they can be properly irrigated from such irrigation system.

Evidence of ability of projectors to complete system to be shown; and also of sufficient supply of water.

Also that lands can be properly irrigated therefrom.

When lands shall be withdrawn.

After investigating the subject, if the Board of Land Commissioners be satisfied that lands owned by the state will be benefited, and that the withdrawal of same from sale until the completion of any irrigation project will benefit and assist such project, it shall make and enter an order withdrawing such lands from sale in accordance with the terms of this Act.

Such order may thereafter be revoked by said Board

if in its judgment and descretion the continuance of the withdrawal of such lands is not of benefit to the State, the public, or aidful to the irrigation project.

Order withdrawing lands may be revoked, when.

Section 3. At any time after such withdrawal, the State Board of Land Commissioners shall upon the application of the said corporation, association, person or persons, having such withdrawal made, offer the said lands, or the part thereof, covered by such application for sale at public auction in such tracts or parcels as may be designated in such application not exceeding 160 acres to one person, corporation or association.

When withdrawn lands to be offered for sale at public auction.

Limit of amount to be sold to any one person.

Section 4. After withdrawal of any state lands from sale under the terms of this Act, the State Board of Land Commissioners may, if it deems it to the best interests of the State, lease said lands or any part or portion thereof.

Withdrawn lands may be leased.

Section 5. All acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Act shall take effect, when.

Approved March 7, 1911.

CHAPTER 124.

An Act regulating the leasing of lands, which are, or may be, owned by the State of Montana, lying between low and high water mark of any navigable lake within the State of Montan, and forbidding the sale or leasing thereof.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. None of the lands lying between low-water mark and high water mark of any navigable, lake within the State of Montana, shall ever be sold or leased by the State of Montana, or the State Board of Land Commissioners, or any officer or board of said State; provided, however, that where the State owns land bordering on any navigable lake, the ownership of the state and its power to sell or lease such land, shall be the same as that exercised by individual owners of like land.

State lands between low and high water on navigable lakes not to be sold or leased.

Provided that state lands bordering on any navigable lake may be sold or leased the same as those owned by individual owners.

Section 2. All acts and parts of acts in conflict herc-

Repealing clause. with are hereby repealed.

This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1911.

CHAPTER 125.

"An Act to establish a State Hospital to be known as the 'Montana State Tuberculosis Sanitarium' in some suitable location in the State of Montana, for the treatment of Tuberculosis and also what is commonly known as Miner's Consumption, prescribing rules and regulations for the same, and making appropriation therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Establishment and Objects:

Montana State
Tuberculosis Sani-
tarium establish-
ed.

Section 1. There is hereby established a State Hospital to be known as the "Montana State Tuberculosis Sanitarium" for the treatment of tuberculosis and also what is commonly called "Miner's Consumption", the location thereof to be determined as hereinafter specified.

Executive Board.

Governor to ap-
point executive
board of Sanitar-
ium.

Section 2. The Governor, by and with the advice and consent of the State Board of Examiners, shall appoint two citizens of the State of Montana, one of whom shall be a physician, who, together with the President of such institution, shall constitute the executive board of the Montana State Tuberculosis Sanitarium. The President of such institution shall be, ex-officio, a member of said board and shall be the Chairman thereof. The ex-officio member of said board shall hold his office during his continuance as president of such institution, and the two members appointed by the Governor shall hold office for the term of four years unless sooner removed by the Governor; provided that the members of the executive board first appointed, one shall be appointed for the term of two years and one for a term of four years, and appointments to fill vacancies occurring by death, resignation or other cause shall be made for the unexpired term. Such members shall qualify by taking and filing their oath of office with the state

Qualifications.

President of the
institution to be a
member of the
board.

Term of members.

Of first members
appointed.

Vacancies.

Shall qualify and
file bond.

board of examiners. The members of said executive board, except the chairman, shall receive such compensation as shall be fixed by the state board of examiners not exceeding the sum of five dollars for each day actually spent in the discharge of their official duties, and not exceeding the sum of one hundred twenty-five dollars in any one year for each member, and such members shall also be reimbursed from the amount appropriated by the legislature for the maintenance and support of such institution all expenses necessarily incurred by them in the discharge of their official duties as members of said board.

Compensation of members.

To be paid from what fund.

Any member of said board may at any time be removed from office by the Governor for any cause he may deem sufficient, after an opportunity to be heard in his defense, and others may be appointed in their place as herein provided. Two members of said board shall constitute a quorum.

Removal of members after hearing, for cause.

Quorum.

Powers and Duties of Executive Board.

Section 3. Said executive board shall have such immediate direction and control, other than financial, of the affairs of such institution as may be conferred on such board by the state board of examiners, subject always to the supervision and control of said state board of examiners.

Powers of executive board.

Subject to the approval of the state board of examiners, they shall establish such by-laws, rules and regulations as they may deem necessary or expedient for regulating the appointment and duties of officers and employes of the Sanitarium and for the internal government, discipline and management of the same.

May establish by-laws, rules and regulations subject to approval of State Board of Examiners.

To maintain an effective inspection of the affairs and management of the institution.

Other powers and duties.

To keep in a book provided for that purpose an exact and full record of the doings of the board, which shall be open at all times to the inspection of its members, the Governor of the State, the state board of examiners, the state board of health or any member thereof, or any person appointed by the Governor or the legislative assembly.

The executive board shall meet in regular session at least once in each quarter, and monthly or oftener if

Regular and special meeting of the board.

the business of such institution requires it, and shall have general charge of the administration of said institution.

Annual June statement.

On or before the first Monday in June of each year, said board shall make a detailed statement and report of all its transactions and of the condition of the institution, including the number of physicians and other employes, with the salary or wages paid to each, and a detailed statement of all expenses and disbursements of such institution, which report shall contain such other information or recommendations as may be required by the state board of examiners, and the state board of examiners shall have authority to call for a report and statement from such executive board at any time such board may deem it advisable, which shall be immediately furnished upon request. All such reports by such executive board shall be made in duplicate, one copy shall be retained by such executive board and the other copy shall be filed with the state board of examiners.

State Board of examiners may call for other statements.

Reports must be in duplicate.

Site of Sanitarium.

State Board of Examiners empowered to select site for Sanitarium.

Section 4. The state board of examiners is hereby empowered to select a site for the establishment of said state sanitarium at such place in the State of Montana as it may deem advisable.

Buildings and Improvements.

Erection of Sanitarium and equipments.

Section 5. The state board of examiners, as soon as a site for such sanitarium is selected, shall proceed with the construction and equipment of all necessary and suitable buildings, including heating, lighting, plumbing, laundry fixtures, and a water supply thereof, and the construction of roads thereto, and to provide and adopt such plans as may be necessary and approved by the State Board of Health for the construction of such buildings, at an expense not exceeding fifty thousand dollars, and for this purpose said state board of examiners shall make and award contracts for the erection and construction of said buildings and the equipment thereof, and employ a competent person to superintend the construction thereof at a salary not to exceed three per cent of the cost of the buildings, which sum shall be paid out of the appropriation here-

Plans to be approved by State Board of Health.

To not cost over fifty thousand dollars.

Contract to be awarded.

Superintendent of construction and salary.

by made for the construction of said buildings. The state board of examiners shall require the contractor or contractors constructing the buildings and equipment herein provided for to give to the State of Montana a good and sufficient bond for the completion thereof within the time prescribed in the contract and in accordance with the plans and specifications adopted therefor.

Bond of Contractors.

President.

Section 6. The Governor, by and with the advice and consent of the state board of examiners, shall appoint a president of said sanitarium, who shall be a well educated physician, legally qualified to practice medicine in Montana, with an experience of at least six years in the actual practice of his profession, including at least a years actual experience in a general hospital and reasonable experience in the treatment of tuberculosis. The said president may be discharged or suspended at any time by the state board of examiners in its discretion.

Governor to appoint a President of.

Qualifications.

Suspension of president.

Duties of President.

Section 7. The President shall:

(a) Appoint such employes as are necessary and proper for a due administration of the affairs of such institution, prescribe their duties and offices, and, subject to the approval of the state board of examiners fix their compensation within the appropriation fixed therefor.

Duties of President.

(b) Oversee and secure the individual treatment and personal care of each and every patient in the sanitarium while resident therein, and keep a proper oversight of all the inhabitants thereof.

Duties of President.

(c) Have the general superintendence of the buildings and grounds, with their furnishing and fixtures, and the selection and control of all persons employed in and about the same.

Duties of President.

(d) Give from time to time such orders and instructions as he may deem best calculated to induce good conduct, fidelity and economy in any department for the treatment of patients.

Duties of President.

(e) Maintain a salutary discipline among all employes, patients and inmates of the sanitarium, and

Duties of President.

enforce strict compliance with his instructions and obedience to all the rules and regulations of the sanitarium. He shall, under the supervision and control of the executive board, discharge such patients as are sufficiently restored to health.

Duties of President.

To keep written record of condition and prospects of patients.

(f) Cause full and fair accounts and records of the conditions and prospects of the patients to be kept regularly from day to day in books provided for that purpose; and see that such accounts and records shall be in condition to be fully and properly inspected by the executive board at each regular meeting thereof; and that the principal facts and results, with a report thereon, shall be presented to the executive board at each regular meeting of said board.

President to conduct official correspondence and keep letter file.

(g) Conduct the official correspondence of the sanitarium and keep a record or copy of letters written and files of all letters received.

To make annual inventory of property and report same to the executive board.

(h) Prepare and present to the executive board annually, at the first quarterly meeting in each year, a true and perfect inventory of all the personal property and effects belonging to the sanitarium, and account, when required by the board, for the careful keeping and economical use of all furnishings, stores, and other articles furnished for the sanitarium.

To account for keeping and use of furniture and other property.

Secretary and Treasurer.

Secretary to be appointed by executive board.

Section 8. The executive board shall appoint a secretary of said board, who may also act as treasurer, and who may or may not be a member of said executive board, and such secretary and treasurer shall give bond with good and sufficient sureties for the faithful performance of his duties as such, and for the faithful accounting for and paying over to and for the use of said institution of moneys received by him as treasurer. Said bond shall run to the State of Montana and shall be in such sum as may be designated by the state board of examiners, and when executed shall be approved by the said state board of examiners. The treasurer of the executive board shall be the treasurer of the institution.

Secretary may act as treasurer.

Bond of Secretary and Treasurer.

Duties.

The duties of the secretary and treasurer shall be such as are usually performed by such officers, or

which may be designated by the state board of examiners.

Medical Assistants and Examining Physicians.

Section 9. All medical assistants shall be appointed by the executive board. No medical assistant shall be appointed who is not a well educated physician, legally qualified to practice medicine in Montana, and with an experience of at least two years in the actual practice of his profession, including at least one year's actual experience in a general hospital. The executive board shall also appoint in all of the first, second and third class cities of the state, reputable physicians, citizens of the State of Montana, who shall examine all persons applying for admission to said sanitarium for treatment. There shall be not less than one nor more than four such examining physicians appointed in cities of the first class, and not more than two in cities of the second and third class. Said examining physicians shall have been in the regular practice of their profession for at least five years, and shall be skilled in the diagnosis and treatment of diseases. Their fee or compensation, for each patient examined, shall not exceed three dollars.

Medical assistants; appointment.

Qualifications.

Appointment of examining physicians.

Number in different class cities.

Qualifications of examining physicians.

Fee for examination.

Free Patients.

Section 10. The executive board of said sanitarium is hereby given power and authority to receive therein patients who have no ability to pay, but no person shall be admitted to the sanitarium who has not been a citizen of this state for at least one year, excepting that a female who has been a resident of the state for at least five months preceding the date of the application, may be so admitted, though not a citizen. Every person desiring free treatment in said sanitarium shall apply to the local authorities of his or her town, city or county, having charge of the relief of the poor, who shall thereupon issue a written request to the president of said sanitarium for the admission and treatment of such person. Such request shall state in writing whether the person is able to pay for his or her care and treatment while at the sanitarium, which request and statement shall be kept on file by the president in a book kept for that purpose in the order

Who may be admitted as a free patient.

Required citizenship.

Females.

Application to be admitted as a free patient.

Facts to be stated in application.

To be kept on file.

Certificate of physician required.

of their receipt by him. No persons shall be admitted as a patient in said institution without certificate of an examining physician, certifying that such applicant is suffering from tuberculosis or what is commonly called Miner's Consumption, and if upon the reception of a person at such sanitarium it is found by the authorities thereof that he or she is not suffering from tuberculosis or Miner's Consumption, he or she shall be returned to the place of his or her residence, and the expense of transportation to and from the sanitarium shall be paid by the county of which he or she is a resident. Admissions to said sanitarium shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided by the president of said sanitarium, in so far as such applicants are subsequently certified by the said examining physician to be suffering from tuberculosis or Miner's Consumption. Every person who is declared as herein provided to be unable to pay for his or her care and treatment, shall be transported to and from the sanitarium at the expense of said local authorities, and cared for, treated and maintained therein at the expense of the county or municipality which would otherwise be chargeable with the support of such poor or indigent person; and the expense of transportation, treatment, maintenance and the actual cost of articles of clothing furnished by the sanitarium to such poor and indigent person shall be a county or town charge, as the case may be.

Persons not qualified for admission to be returned at expense of county from which he or she came.

Free patients must be admitted in the order of their applications.

Transportation of free patients at expense of local authorities.

Treated and maintained at expense of whom.

Private Patients.

Application and admission of pay patients.

Section II. Applicants for admission to this institution who are able to pay for their care and treatment are not required to obtain a written request from the local authorities having charge of the relief of the poor, but shall apply in person to the president who shall enter the name of such applicant in the book to be kept by him for that purpose, as provided in Section 10; and when there is room in said sanitarium for the admission of such applicant, without interfering with the preference in the selection of patients, which shall always be given to the indigent, such patient shall be admitted to the sanitarium upon the certificate

Entry of application.

Preference in admission to be given to the indigent.

of one of the examining physicians, which certificate shall be kept on file by the president.

Support of Free Patients.

Section 12. At least once in each month the president of the sanitarium shall furnish the executive board and to the local authorities of each county, city or town, as the case may be, having charge of the relief of the poor, a list of all the free patients in the sanitarium that are credited each respective county, city or town, and who are shown by the statement of such local authorities to be unable to pay for their care, treatment and maintenance, under the provisions of Section 10. He shall accompany each such list with a bill of charges for care, treatment and maintenance at a rate not exceeding Five (\$5.00) Dollars per week for each such free patient, together with items of expense of transportation, fee of the examining physician and the actual cost of articles of clothing furnished by the sanitarium to each such free patient. The treasurer of the sanitarium shall thereupon collect from the local authorities of the county, city or town, such sums as may be due therefrom, and pay the same over to the State Treasurer.

Monthly lists of free patients to be furnished by the president.

Bill of charges to accompany list.

To collect charges and expenses from local authorities.

Support of Private Patients.

Section 13. The Executive Board shall have power and authority to fix the charges to be paid by patients who are able to pay for their care and treatment in said Sanitarium or who have relatives bound by law to support them, who are able to pay therefor.

Executive board to fix charges of pay patients.

State Board of Examiners.

Section 14. The State Board of Examiners of the State of Montana shall have power, and it shall be its duty:

Powers of State Board of Examiners.

(a) To have the general control and supervision of the Sanitarium and to provide, subject to the laws of the State, rules and regulations for the government of its affairs.

(b) To adopt rules and regulations, not inconsistent with the constitution and laws of this state, for its government, and proper and necessary for the execution of the powers and duties conferred upon it by law.

(c) To fix the compensation of the president and other employes of the institution.

(d) To confer upon the president and executive board of said institution such authority relative to the immediate control and management, other than financial, and the selection of employes as may be deemed expedient and for the best interests of said institution.

(e) To have supervision and control of all expenditures of all moneys appropriated or received for the use of said institution from and all sources, and said State Board of Examiners shall have power to select and to approve plans for buildings let contracts, approve all bonds for any and all buildings and improvements, and shall audit all claims to be paid from any moneys, but said State Board of Examiners shall have authority to confer upon the Executive Board of said institution such power and authority in contracting current expenses and in auditing, paying and reporting bills for salaries or other expenses incurred in connection with said institution as may be deemed by said Board of Examiners to be for the best interests of said institution.

Donations, devises,
grants and gifts.

Section 15. All donations, grants, gifts or devises made to said institution shall be made in its legal name, and if made to any officer or board of said institution, the same shall be immediately transferred by such officer or board to said institution.

Appropriation.

Appropriations.

Section 16. The sum of Twenty Thousand (\$20,000.00) Dollars is hereby appropriated for securing a site and for erecting, constructing and equipping the sanitarium and buildings, as herein provided.

For site.

For salaries and
expenses.

The sum of Ten Thousand (\$10,000.00) Dollars, or so much thereof as may be needed is hereby appropriated from any money in the general fund not otherwise appropriated, for the purpose of paying the salaries and all expenses incidental to maintaining and operating the sanitarium during the two years ending March 1st, 1913.

Power to disburse
money.

The State Treasurer shall disburse the moneys hereby appropriated, upon the orders of the State Board of Examiners.

Section 17. This Act shall take effect from and after its passage and approval.

Approved March 7, 1911.

CHAPTER 126.

An Act authorizing the Governor to appoint an educational commission for the purpose of amending, revising and collating the laws touching upon the public schools of the state, and for the further purpose of suggesting new legislation for the welfare of said schools, and an appropriation to meet the expenses of said commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Governor be and is hereby authorized and required to appoint an Educational Commission of five competent persons, of whom three at least shall be school men, one being the superintendent of public instruction, as commissioners to revise, collate and digest all the Acts and Statutes relating to or touching the laws of the public schools of the state.

Commissioners to revise school laws of the State.

Qualifications.

Section 2. That the duties of said Commissioners shall be to collate and reduce into one Act all the Acts and Statutes and parts of Acts and Statutes, relating to or touching the Public Schools of State, and to arrange the same systematically under proper titles, divisions and sections; to omit in such revision all Acts and parts of Acts that have been repealed or supplied by subsequent Acts, or which have expired, and to prepare and submit such bills to the Governor for submission to the Legislature as they shall deem necessary to make the public schools of the state more comprehensive, efficient and adapted to the needs of its citizens.

Duties of Commissioners.

Codify present laws.

Omit, what.

Suggest and prepare bills for new legislation.

Section 3. That the said Commissioners shall report the results of their labors to the Governor on or before the first of December, One Thousand, Nine Hundred and Twelve.

To report to Governor, when.

Section 4. That said Commission shall meet and organize within thirty days of their appointment and elect a president and secretary and as promptly as

To meet and organize, when.

Actual traveling expenses to be paid.

Appropriation.

Repealing clause.

possible proceed to perform their duties.

Section 5. The members of said Commission provided for in this Act, shall receive their actual traveling expenses; and there is hereby appropriated the sum of One Thousand Dollars, or so much thereof as may be necessary to carry out the provisions of this Act.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1911.

CHAPTER 127.

"An Act to Amend Section 1664 of the Revised Codes of Montana of 1907, as amended by Section 2 of Chapter 36 of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1664 Revised Codes 1907, as amended by Section 2, Chapter 36, Laws 1909.

Section 1. That Section 1664 of the Revised Codes of the State of Montana of 1907 as amended by Section 2, Chapter 36, of the Eleventh Legislative Assembly of the State of Montana, be, and the same is, hereby amended so as to read as follows:

Secretary may appoint six deputies.

Location of offices of deputies.

Powers.

Salaries.

Shall make monthly reports to the Secretary.

Removal.

"Section 1664. The Secretary shall have the power to appoint six deputies, one of whom shall have his office in the City of Butte, one in Great Falls, one in Havre, one in Billings, one in Missoula and one in Kalispell. Such deputies shall take and subscribe the same oath required by the principal, and the same shall be of record in the Secretary's office.

The deputies shall have the same power and authority as fixed by law in the principal, and shall have a salary of Eighteen Hundred (\$1800.00) Dollars, per annum, payable monthly, out of the public Treasury. They shall make full and complete reports every month to said principal showing all their official acts, with names of persons accused and against whom prosecutions may have been instituted, and the results thereof.

Said deputies may be removed, at any time by the Secretary, and another appointed to fill the vacancy. All deputies shall have authority to investigate cases reported to said Bureau from any section of the state of Montana when called or directed to so do by the Secretary of said Bureau." Other powers.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1911.

CHAPTER 128.

"An Act to amend Sections 2240, 2241, 2242, 2244, 2248 and 2249, Revised Codes of 1907, relating to the Carey Land Act Board, and to provide for an Assistant Secretary of said Board."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 2240, 2241, 2242, 2244, 2248 and 2249, Revised Codes of 1907, be, and the same are hereby amended to read as follows: Amending clause.

Section 2240. Said Carey Land Act Board shall consist of the Governor, Secretary of State, and Attorney General, none of whom shall receive additional compensation for services on said Board. Carey Land Act Board shall consist of whom.

Section 2241. The traveling expenses necessarily incurred in the performance of his duties as a member of the Board, by any member of the Board, or by the Secretary or Assistant Secretary of the Board, and the necessary office expenses of the Board shall be paid by the State, on sworn statements of account, approved by the State Board of Examiners. Traveling expenses of members and officers of board.
Office expenses.
How paid.

Section 2242. The Governor shall be Chairman of the Carey Land Act Board, and shall sign all contracts made by it. Said Board shall meet at the office of said Board at the State Capitol Building, at such times as the Governor may designate or when called by him. Governor to be chairman; duties.
Meetings.

Section 2244. The State Engineer shall:

1. Act as Secretary of the Carey Land Act Board, and perform such duties as are imposed upon him by law governing that Board, giving special attention to State Engineer to act as secretary.
Duties.

the projects already commenced by the State Arid Land Grant Commission.

Shall examine lands in regard to irrigation thereof, when.

2. With the approval of the State Board of Land Commissioners, he shall examine or cause to be examined, tracts, of land belonging to the State or to State institutions, and ascertain how much of same it is practicable to irrigate and report to said Land Commissioners detailed description of any such lands as can be irrigated, the probable cost of an irrigation system for same; and when directed so to do by said Commissioners shall prepare plans and specifications for any such irrigation system.

To prepare plans and specifications, when.

Other duties of State Engineer.

3. The State Engineer shall become conversant with the waterways of the state and the needs of the State as to irrigation matters, shall make or cause to be made, measurements and calculations of the ordinary and flood discharge of streams co-operating in this work as much as possible with the U. S. Geological Survey and the Montana Experiment Station; such measurements to be made on streams in order of their importance, provided that measurements already made, if deemed reliable, may be adopted.

Other duties.

4. The State Engineer shall keep in his office full and proper records of his work, observations and calculations, all of which shall be property of the State.

Bi-ennial and other reports.

5. The State Engineer shall prepare and render to the Governor, bi-annually, and oftener if required, full and true reports of his work and such suggestions as to laws and amendments as he deems best.

Board may appoint an assistant secretary, whose duties shall be.

Section 2248. Said Carey Land Act Board may, if in its judgment necessary, have and appoint an assistant secretary, who shall keep a proper record of its transactions, keep its accounts, have charge of funds paid to it, of its correspondence and documents, countersign papers and instruments, and perform such duties as the Board may require. He shall have authority to administer oaths whenever necessary in the performance of his duties as Assistant Secretary. He shall give a bond for the faithful performance of his duties in an amount to be fixed by the Board.

Bond.

Salary of assistant secretary.

Section 2249. The Assistant Secretary's salary shall be fixed by the Board in proportion to services per-

formed, provided the sum shall not exceed One Hundred and Fifty (\$150.00) Dollars per month.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 3. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 8, 1911.

CHAPTER 129.

An Act in Aid of the Disability Fund of Fire Departments in Incorporated Cities for the Relief of Sick, Injured and Retired Firemen, and the Pensioning of the Widows and Orphans of Deceased Firemen, and Assigning to Said Fund Certain Portions of the Licenses Derived by the State from Fire Insurance Companies Doing Business Within the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. On or before October 31st, annually, the clerk of every city having an organized fire department, or a partly paid or volunteer department, shall file with the commissioner of insurance of this state, his certificate stating such fact, the system of water supply in use in such fire department, the number of its organized companies, steam, hand or other engines, hook and ladder trucks, hose carts and feet of hose in actual use, and such other facts as the commissioner may require.

Annual October statement to be made by city clerks having an organized fire department.

Section 2. The commissioner of insurance shall include in the blank form furnished to each fire insurance company for its annual statement, a list of all such cities, and each company shall report therein, the amount of premiums received by it, during the preceding year in each incorporated city. Before July 1st following said October 31st, mentioned in section 1 of this act, the commissioner of insurance shall certify to the state auditor the name of each city which has had, for not less than one year, an organized fire department, and which has been so reported to him, and the amount of premiums received in each city in such year by each fire insurance company.

Insurance commissioners to furnish blanks to insurance companies including what.

Companies shall report, what.

Insurance commissioner shall certify to State Auditor, annually, what.

State Auditor to pay to cities annually twenty-five per cent of licenses collected in such cities.

Section 3. At the end of the fiscal year, the state auditor shall issue and deliver to the treasurer of every city, his warrant for an amount equal to 25 per cent of the licenses collected by the state auditor under section 4017 of the revised codes of the state of Montana, in proportion to the premium so paid, and collected by said fire insurance companies, in such cities to the total premiums, paid and collected by such fire insurance companies in the entire state.

State Treasurer to pay such warrants.

Section 4. The state treasurer is hereby authorized and directed to and upon the presentation to him of the said warrant of the state auditor pay to the treasurer of any such city, out of the general revenue fund of this state, the amount in such warrant specified which amount shall be paid into the disability fund of the fire department.

Fire Department Relief Associations authorized.

Section 5. The members of the fire department or departments in each incorporated city in this state are hereby authorized to form themselves into an association to be known as the fire department relief association of the city of(naming the city); provided, that no such association shall be formed, unless a majority of the members of the city council of a city in which the same is organized shall consent thereto. In the event of the formation of such fire department relief association, there shall be selected as officers of same by the members thereof the following named officers, to-wit: A president, secretary and treasurer and such other officers as may be considered necessary.

Consent of City Council to be obtained.

Officers to be selected.

The Secretary and Treasurer to annually prepare a detailed report.

Report shall show.

To be filed with City Clerk and duplicate with State Auditor, and no money to be paid to city before report is filed.

Who deemed a fireman in this act.

Section 6. The secretary and treasurer of every such association so formed, shall, annually, prepare a detailed report of its receipts and expenditures for the preceding year, showing to whom and for what purpose the money has been paid and expended, and file it with the city clerk, and a duplicate with the state auditor. No money shall be paid to the treasurer of the city until such report is so filed. No one serving as a substitute or on probation, nor any fireman in the city having such association who is not a member thereof, shall be deemed a fireman within the meaning of this act. No treasurer of any such association shall enter upon

his duties until he shall have given to the association a good and sufficient bond for the faithful discharge of his duties according to law, the amount of such bond to be fixed by said association. All the financial books and accounts of such association and city with reference thereto shall be subject at all times to examination by the state examiner, and he is hereby authorized and empowered to make such examination when complaint is duly made to him, that the money or any part thereof, paid under the provisions of this act to the treasurer of any city, or such association, has been, or is being expended for an unauthorized purpose, and if such money upon examination is found to have been expended, contrary to the authority given, he shall so report to the governor, upon whose direction to the state auditor no further warrants shall be issued to such city treasurer until the money so expended— has been restored.

Bond of treasurer of association.

Examination of financial books and accounts of cities.

When authorized to be made.

Report of State Examiner to the Governor.

Section 7. Whenever such fire department relief association is formed as herein provided for, and when the treasurer of such association has furnished the bond herein provided for, such treasurer shall receive all money in the hands of the city treasurer to the credit of said disability fund, giving to said city treasurer his receipt for same, and said city treasurer shall thereafter from time to time, as moneys are received by him for the credit of said fund, turn the same over to the treasurer of said relief association taking proper receipts therefor.

When Treasurer of the Association shall receive moneys paid hereunder from the City Treasurer.

Duty of City Treasurer.

Section 8. Every fire department relief association whenever its certificate of incorporation or by-laws so provide, and every board of trustees where no fire department relief association exists, may pay out of any moneys in the disability fund a service pension in an amount not exceeding one-half of the monthly salary last received by such pensioner as may be provided for, to each of its members who have heretofore retired or may thereafter retire, or has reached or shall hereafter reach the age of fifty years, or who has done or hereafter shall do active duty for eighteen years or more as a member of a volunteer, paid or partially paid and partially volunteer fire department in the municipi-

Pensions may be paid to retired firemen by fire department Relief Associations and Boards of Trustees, when.

Amount of pensions.

Or who have or may hereafter reach the age of years, or has been in active service for eighteen years.

To members of ten years standing prior to retirement, and other persons.

Pensions to be uniform and may be increased or decreased, when.

Not to be paid active members of fire departments.

Boards of Trustees and Associations may pay service pensions from any fund it may have, to permanently disabled members.

When disability has been removed.

Pensions to widows and orphans of deceased firemen.

Limit in amount.

Increase and decrease of amount.

Moneys paid to City Treasurer or any such Association to be set aside as a special fund.

pality where such association exists, or who has been or who shall hereafter be a member of such fire department relief association at least ten years prior to such retirement, or who under the by-laws of the board of trustees may be entitled to such pension. Such pension shall be uniform in amount, and may be decreased or increased within the amount above specified, whenever the amount of funds on hand render such act advisable. No such pension shall be paid to any person while he remains a member of the fire department, and any person receiving such pension shall not be entitled to other relief from such association.

Section 9. Every firemen's relief association now or hereafter organized in any city in this state, having an organized fire department, which is now incorporated, or which may be hereafter incorporated and every board of trustees may pay out from any funds it may have heretofore received, or which it may hereafter receive, service pensions in such amounts and in such manner as its by-laws shall designate, not exceeding however, one half the sum last received as a monthly salary by such pensioned members monthly; provided, however, that such pension shall only be paid to such members as are permanently disabled, and if such disability is removed then such pension hereunder shall cease.

Section 10. Such firemen's relief association and such board of trustees may pay a pension to such of the widow and orphans of deceased firemen in such sums and under such limitations and conditions as its by-laws shall provide and permit, not exceeding however, a sum equal to the monthly salary last received by such deceased firemen, monthly to any such pensioner or to any one family, with the right to increase or decrease the amount of any such pension, when the funds on hand, or lack of funds on hand, or other good reasons, such reduction or increase seems advisable and proper.

Section 11. The amount so paid to any city treasurer, or to the treasurer of such firemen's relief association, under the provisions of this act shall be set aside as a special fund and may be appropriated and disbursed in the same manner as other funds belonging to

said city or association are appropriated or disbursed, but only for the following purposes, namely:—

How to be disbursed.

(1). For the use of sick, injured or disabled firemen of any fire department of said city, and their widows and orphans.

May be paid for what purposes.

(2). For the payment of pensions, pursuant to the provisions of sections 8 and 9 of this act.

Any money remaining in said fund unexpended may be invested by said association or by said trustees as provided for by law.

Section 12. Any payments made or to be made hereunder shall not be subject to judgments, garnishment, execution, or other legal process, and any person entitled to such pension shall not have the right to assign the same, nor shall the association or trustees have the authority to recognize any assignment or pay over any sum so assigned.

Pensions to be exempt.

Can not be assigned.

Section 13. Such association and such board of trustees shall have full charge, management and control of such funds hereinafter provided for, which said funds shall be derived from the following sources:

Management and control of funds.

Funds shall be derived from what sources.

1. From interest, rents, gifts, or money from other sources.

2. From funds received from the state of Montana.

3. From moneys raised by taxation under section 3336 of the revised codes of the state of Montana.

Section 14. All other acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 15. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1911.

CHAPTER 130.

"An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs shall consist, and defining the duties of the State Board of Health with relation to food and drugs, their inspection, purity and misbranding: constituting local and county health officers, local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for the tuberculin testing of all dairy cattle, requiring all persons conducting any business in which food products are handled to secure a license, without cost, from the State Board of Health, providing for a Chemist to the State Board of Health and appropriating money therefor, authorizing the State Board of Health to make rules and regulations for the enforcement of the provisions of this Act, providing an appropriation for covering the expenses incurred by the State Board of Health in enforcing the provisions of this Act, providing penalties for the violation of the provisions of this Act and repealing Acts and parts of Acts in conflict herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Adulterated or misbranded drugs and food.
Unlawful to manufacture for sale, or sell or offer for sale within this state.

The term "drug" shall include what.

The term "food" shall include what.

Section 1. It shall be unlawful for any person, persons, firm or corporation, within this State, to manufacture for sale, within this State sell, offer for sale or have within his or their possession with the intent to sell within this State any drugs or article of food which is adulterated or misbranded within the meaning of this Act. The term "drug" as used in this Act, shall include all medicines or preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or animals. The term "food", as used in this Act, shall include all articles used as food, drink confectionery,

or condiment by man or animals, whether simple, mixed or compound.

Section 2. For the purposes of this Act an article shall be deemed as adulterated; In case of drugs:

What deemed
"adulterated."

First. When a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, if it differs from the standard strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary, official at the time of investigation; Provided, that no drug shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

In case of drugs.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of foods:—

First. In the case of confectionery, if it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spiritous liquor or compound or narcotic drug.

In case of foods.

Confectionery.

Second. If any substance or substances have been mixed with it so as to reduce, or lower, or injuriously affect its quality or strength.

Foods.

Third. If any substance has been wholly or in part substituted for the article.

Fourth. If any valuable constituent has been wholly or in part abstracted from it.

Fifth. If it contains any proportion of a filthy, diseased, decomposed, putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the product of a diseased animal.

Sixth. If it is mixed, colored, coated, polished, powdered or stained in a manner whereby damage or inferiority is concealed, or whereby it is made to appear better or of greater value than it really is.

Seventh. If it contains any added poisonous or other added deleterious ingredient.

Eighth. If it contains any added antiseptic or preservative substance except common salt, salt peter, cane sugar, beet sugar, vinegar, spices, or in smoked foods, the natural products of the smoking process, or other harmless preservatives whose use is authorized by the State Board of Health, and no preservative shall be used in greater quantity than the rules and regulations of the State Board of Health shall designate.

Adulterated milk
and milks forbid-
den.

Section 3. No person either by himself or by his servant or agent or as the servant or agent of another person, shall sell, exchange or deliver, expose or offer for sale or exchange adulterated milk, or milk to which water or any foreign substance has been added, milk produced from cows which have been fed on fermenting refuse from distilleries, breweries, or sugar factories or stable bedding or barnyard refuse, provided that fermenting pulp fed in conjunction with ground Alfalfa and Syrup be excepted, or from sick or diseased cows, or as pure, milk from which the cream or a part thereof has been removed, or milk collected or kept or handled under conditions which are not cleanly or sanitary and which do not conform to the rules and regulations of the State Board of Health made in conformity with the provisions of this Act, or milk containing less than eight and one-half ($8\frac{1}{2}$) per cent. of milk solids, exclusive of fat, and three and twenty-five hundredths (3.25) per cent. of milk fat, or milk which contains any added color preservative, or as cream, milk containing less than twenty (20) per cent. of milk fat.

Butter, cheese and
milk products.

Section 4. No butter, cheese or other milk product shall be sold or offered for sale in this State unless made from milk, the sale of which is not prohibited under the provisions of Section 3 of this Act; Provided, that cheese made from skim milk may be sold as "skim cheese" when branded in bold faced letters not less than one inch in height plainly stating that said article of food is made from skim milk and provided, further, that renovated butter or butter made by any other process than that of churning milk salable under the provisions of Section 3 shall be branded so as to plainly indicate the method of making such butter and the

"Skim cheese."

Renovated butter.

contents thereof, and to the entire satisfaction of the State Board of Health.

Section 5. In case of food sold by weight or measure, all measures shall be in gallons or fractions thereof, a gallon to contain 231 cubic inches and each fraction of a gallon to contain its corresponding fraction of two hundred and thirty-one (231) cubic inches. Where weights or measures are stated in pounds and ounces, they shall be exclusive of the wrapper or other container and each pound shall contain sixteen (16) ounces, each ounce containing four hundred and thirty seven and one half (437 1-2) grains. Any person, persons, firm or corporation selling or offering for sale any article of food as a pound, or any multiple thereof, except by actual weight, the net weight of which is less than sixteen (16) ounces, or the proper multiple thereof to represent the number of pounds sold or offered for sale, and any person, persons, firm or corporation selling or offering for sale any quantity of food as a gallon, or any fraction thereof, which does not contain two hundred and thirty-one (231) cubic inches net measure or the fraction thereof represented by the fraction of a gallon offered for sale or sold, shall be guilty of a misdemeanor.

Section 6. The State Veterinarian, either in person or by his deputies shall tuberculin test all cattle used in and about all dairies in the State of Montana at least once during each calendar year; and all persons, firms or corporations conducting a dairy in this state shall file with the Secretary of the State Board of Health a certificate for each cow hereafter added to his dairy, which certificate shall be signed by a veterinarian approved by the State Board of Health and shall state that such cow has been tuberculin tested by him and found to be free from tuberculosis, and such certificate shall contain a description of such cow, which description shall be sufficiently complete to identify the cow; and any person firm or corporation using any cow in his dairy, or keeping any cow on his dairy premises, which has not been tuberculin tested and found free from tuberculosis shall be guilty of a misdemeanor and shall be deemed guilty of selling milk

Weights and measures.

Size of gallon.

Weight to be exclusive of wrapper or other container.

Size of pound.

A misdemeanor to sell or offer to sell any article weighing or measuring less than represented.

State Veterinarian to tuberculin test all cattle used in dairies at least once annually.

Proprietor of dairies to file with Secretary of State Board of Health certificate of added cows.

Certificate shall state.

Using or keeping any cow in dairies not tuberculin tested a misdemeanor.

Who deemed as
conducting a
dairy.

from diseased cows. For the purpose of this Act any person shall be deemed as conducting a dairy who offers for sale any milk or cream, or who sells milk or cream to any butter factory, creamery or other place where milk or milk products are manufactured or sold.

Animals slaught-
ered under unsani-
tary conditions;
having the carcass
or any part there-
of for sale.

Section 7. It shall be unlawful for any person, persons, firm or corporation to sell within this State or to have within his or their possession with the intent to sell within this State for human food, the carcass or parts of the carcass of any animal which has been slaughtered, prepared, handled or kept under unsanitary conditions; and unsanitary conditions shall be deemed to exist whenever and wherever any one or more of the following conditions are found to appear, to-wit: If the slaughter house is delapidated or in a state of decay; if the floor or side walls are soaked with decaying blood or other animal matter, if efficient fly screens are not provided, if the drainage of the slaughter house yard is not efficient, if maggots or filthy pools or hog wallows exist in the slaughter-house yard or under the slaughter house floor, if the water supply used in connection with the cleaning or preparing of the meat is not pure and uncontaminated; if the hogs are kept in the slaughter house yard or fed therein on animal offal, or if the odors of putrifaction plainly exists in or about the slaughter house; if carcasses or parts of carcasses are transported from place to place when not covered with clean white cloths, or if kept in unclean or bad smelling refrigerator or refrigerators, or if kept in unclean or foul smelling store rooms. It shall be unlawful for any person, persons, firm or corporation to have in his or their possession with intent to sell the carcass of any animal or fowl which has died from any cause other than being slaughtered in a sanitary manner, or the carcass or part of the carcass of any animal that shows evidence of any disease or that came from a sick or diseased animal, or the carcass or part of the carcass of any calf that was killed before it had attained the age of four weeks.

Unsanitary condi-
tions defined.

Having in posses-
sion with intent to
sell any carcass of
any animal or fowl
which has died
otherwise than
slaughtered.

Or of diseased
animal.

Or of a calf less
than four weeks
old.

It shall be unlawful for any person, persons, firm or corporation to sell or offer for sale any eggs after the

same have been placed in an incubator, or to sell or offer for sale to be used as food, knowingly, eggs in a rotten, decayed or decaying condition.

Eggs which are not to be sold or offered for sale.

It shall be the duty of all peace or health officers to seize any animal carcass or parts of carcasses or any domestic or wild fowl, eggs, game, fish, or other food product found to be unwholesome and which are intended for sale or offered for sale for human food, or which have been slaughtered or prepared, handled or kept under unsanitary conditions as herein defined or as the rules and regulations of the State Board of Health may designate, and shall deliver the same forthwith to and before the nearest police judge or justice of the peace, together with all information obtained, and said police judge or said justice of the peace shall issue warrants of arrest for all persons believed to have violated any provision of this Act, and said cause shall be tried at an early date thereafter. The said police judge or said justice of the peace shall immediately drench the unwholesome food brought before him with kerosene and require the owner thereof to immediately dispose of the same in a sanitary manner, or he may, in his discretion, order the unwholesome food rendered into grease and tankage.

Duty of peace and health officers to seize unwholesome food offered for sale.

Shall deliver the same to whom, with information.

Justice shall issue warrant for arrest.

Disposition of unwholesome food by justice.

Section 8. The term "misbranded" as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food or drugs, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, territory or country in which it is manufactured or produced, unless the word "process", or "type", in plain, legible and obvious English print, type or script immediately follows the State, territory, country, locality or brand designated. That for the purpose of this Act an article shall be deemed to be misbranded:

The term "misbranded" as used herein, defined.

In the case of drugs:

First. If it be an imitation or offered for sale under the name of another article.

Misbranded in the drugs.

Second. If the contents of the package as originally

Misbranded drugs.

put up shall have been removed, in whole or in part, and other contents differing in quality or quantity from the original contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetine, antipyrine, or any derivative or any preparation of any such substance contained therein; Provided, that said requirements as to statement of contents shall not be operative until on and after January 1, 1912; and provided, further, that the requirements of this section shall not apply to medical prescriptions written by physicians and surgeons, dentists or veterinary surgeons, nor to extemporaneous preparations dispensed by druggists, nor shall the provisions of this section be construed as prohibiting legally qualified physicians and surgeons, dentists and veterinary surgeons from administering drugs to patients under their care.

When requirements as to statement of contents shall go into effect.

Prescriptions written by physicians and surgeons, dentists, etc.

Misbranding as to food.

In the case of foods:

First. If it is an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign article when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetine, or antipyrine or any derivative or any preparation of any such substance or substances contained therein; Provided, that such statement shall not be required as to articles of food in the hands of wholesalers or retailers on or prior to January 1, 1912.

Proviso.

Third. If in the package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it, or its label,

shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular; Provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated or misbranded in the following cases:

When food does not contain any added poisonous or deleterious ingredients.

First. In the case of mixtures or compounds which may be now or from time to time hereafter become known as articles of food, under their own distinctive names and heretofore known to the consumer and not an imitation of or offered for sale under the distinctive name or brand of another article, if the name be accompanied on the same label or brand with the statement of the place where said article has been manufactured or produced; Provided further, for the purposes of this Act, a drug or food shall not be deemed misbranded, marked, labeled or tagged with the distinctive trade or commercial name heretofore known to the consumer.

When drug or food not deemed misbranded.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound", "imitation", or "blend", as the case may be, is plainly printed on the package in which it is offered for sale; Provided, that the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring or flavoring; and, Provided, further, that in cases of spirituous liquors the term like substances shall be construed to mean pure distillates of grain or pure distillates of fruit and grain; and provided, further, that nothing in this Act shall be construed as compelling or requiring proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas except so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

When branded as compounds, imitations or blends.

The term blend as used herein to be construed to mean.

Spirituous liquors.

Trade formulas not compelled to be disclosed.

Section 9. No dealer shall be prosecuted under the provisions of this Act for selling or offering for sale any article of food or drugs, as defined herein, when the same is found to be adulterated or misbranded with-

When dealer not to be prosecuted.

Guarantee that same is not adulterated or misbranded.

What guarantee, to afford protection, shall contain.

Liability of guarantor.

License from the State Board of Health to be obtained by whom.

When license shall be obtained.

Shall expire when.

When to be renewed.

When license shall be revoked.

Shall not be renewed until when.

in the meaning of this Act, in the original, unbroken package in which it was received by said dealer, when he can establish a guarantee, signed by the wholesaler, jobber or agent or other party residing in the United States from whom he purchased such article, or if a proper printed guarantee of the manufacturer with his address be upon the package or container, to the effect that the same is not adulterated or misbranded in the original unbroken package in which the said article was received by said dealer, within the meaning of this Act, designating it, or within the meaning of the food and drug Act, enacted by the Senate and House of Representatives of the United States of America in Congress assembled June 30th, 1906. Said guarantee to afford protection must contain the name and address of the party or parties making the sale of such article to such dealer or of the manufacturer thereof as herein specified, and in such case said party shall be amenable to prosecution, fines and other penalties which would attach in due course to the dealer, under the provisions of this Act.

Section 10. It shall be unlawful for any person, persons, firm or corporation to conduct any bakery, confectionery, cannery, packing house, slaughter-house, meat market, dairy, restaurant, hotel, dining car or lunch counter in the State without having a license issued by the State Board of Health of Montana which license shall be issued by said Board without charge to the licensee; provided, that such license shall not be required before January 1st, 1912. All licenses shall be made to expire on the last day of December of the current year in which it is issued and shall be renewed by the said State Board of Health upon request by the licensee; Provided, that when the State Board of Health shall find that the place for which such license is issued is not conducted in accordance with the rules and regulations of said Board of Health, made and promulgated in accordance with the provisions of this Act, then said Board shall revoke such license and shall not renew the same until such place is put in a sanitary condition in accordance with such

rules and regulations. Licenses shall be issued upon application made on proper blank form supplied by the State Board of Health and all licenses shall be numbered consecutively. The licensee shall keep such license plainly exposed in his place of buissness or the number thereof, preceded by the word license, painted on both signs of each wagon used by him in letters not less than two inches high and one and one-half inches wide. The revocation of a license issued under the provisions of this Section shall not be construed as freeing any person, persons, firm or corporation from prosecution for violating the provisions of this Act or of the rules and regulations of the State Board of Health issued in conformity with the provisions of this Act.

Section 11. It shall be the duty of the State Board of Health to enforce the provisions of this Act. They shall, through their secretary and through local and county health officers, make all necessary investigations and inspections in reference to all food and drugs, and for this purpose the state, county, and Local Health Officers shall be food and drug inspectors for their respective districts; each local and county health officer shall make regular inspections as the rules and regulations of the State Board of Health may direct, and such special inspections as said Board of Health may from time to time order made, and he shall make such reports relative to conditions existing within his district at such times and in such manner as the State Board of Health may direct. Should any health officer fail, neglect or refuse to make any such regular or special inspection or fail to make any report in the manner and at the time designated by the State Board of Health, or should he make a false report of any condition that may exist within his district, the State Board of Health shall notify the Mayor of the city or town, in the case of a local health officer, or the chairman of the Board of County Commissioners, in the case of a county health officer, of such negligence on the part of such health officer, and said State Board of Health, may, in their discretion, order the removal from office of such delinquent health officer,

To be issued upon what applications, and to be numbered.

License to be kept exposed in place of business.

How printed on wagons.

Revocation shall not be construed how.

Duties of State Board of Health.

To make investigations and inspections.

Local health officers to make regular inspections.

Shall make reports as directed.

Failure of local health officer to perform duty.

State Board of Health shall notify whom.

Officers may be ordered removed by whom.

Appointment of
successor.

and when such an order is issued by the State Board of Health, the Mayor of the city or town, in the case of a local health officer, or the Board of County Commissioners, in the case of a county health officer, shall immediately declare the office of health officer vacant and shall appoint another competent and legally qualified physician and surgeon to fill the office.

State Board of
Health shall adopt
rules and regula-
tions for enforce-
ment of this act.

The State Board of Health shall adopt all needful rules and regulations for the thorough and uniform enforcement of the provisions of this Act throughout the State, and shall adopt and promulgate rules and regulations relative to the sanitary management of all places designated in Section Ten (10) of this Act, and they shall adopt rules regulating the minimum standards for foods and drugs, defining specific adulterations and declaring proper methods of collecting and examining all drugs and articles of food, and the violation of any such rule or regulation shall be punished, on conviction, as set forth in Section Fifteen (15) of this Act; Provided, that such rules and regulations made and promulgated by the State Board of Health shall at all times conform to the rules and regulations of the National Food and Drug Commission made under the Food and Drugs Act of June 30, 1906.

Other rules and
regulations.

Penalty for violat-
ing rules and
regulations of
State Board of
Health.

Rules and regula-
tions to conform
to those of the
National Food and
Drug Commission.

Duty of State
Board of Health to
make examinations
and analyses of
the purity, brand-
ing and labeling of
food and drugs.

It shall be the duty of the State Board of Health, at the instance of any person, firm or corporation, or on their own volition to examine, analyse, and determine the purity, branding and labeling of any food or drug placed upon the market or offered for sale in the State of Montana, and if found legal, they shall certify to the individual, firm or corporation manufacturing, selling or offering for sale such food or drug that such food or drug is legal.

Certification.

No prosecution to
be had until when.

No prosecution shall follow until such time as the individual, firm or corporation has been notified by the State Board of Health wherein any food or drug fails to meet the requirements of the rules and regulations of the State Board of Health, and such time to remedy the failure as the State Board of Health may rule.

All state, local, and county health officers are here-

by authorized to enter any premises where any article of food or drug is sold, offered for sale, manufactured, cooked, stored or treated in any way, for the purpose of inspecting such premises and the manner in which such food or drug is handled.

Power of board to enter any premises where food and drug is sold, etc.

Section 12. Every person offering or exposing for sale or delivering to a purchaser any drug or article of food included in the provisions of this Act, shall furnish to any inspector or other officer or agent appointed hereunder, who shall apply to him for the purpose and shall tender to him the value of the same, a sample sufficient for analysis of any drug or article of food which is in his possession. Whoever hinders, obstructs or in any way interferes with an inspector or other officer or agent appointed hereunder, in the performance of his duty, shall upon conviction, be fined in any sum not less than ten (10) dollars nor more than one hundred (100) Dollars.

Samples of food and drugs for analysis shall be furnished when and by whom.

Hindering, obstructing or interfering with officer in performance of duty.

Penalty.

Section 13. The Professor of Chemistry at the Montana State Agricultural College shall be the chemist to the State Board of Health and he shall make all analyses that may be required by the State Board of Health in the enforcement of the provisions of this Act, and such other analysis as they may require in the enforcement of the laws of the State pertaining to public health matters.

Chemist of State Board of Health.

Duties.

In order to enable the said Professor of Chemistry to perform these duties the sum of Fifteen Hundred (\$1500.00) Dollars is hereby appropriated from the general fund of the State for the purpose of employing such assistants as he may need during the year 1911, and a like amount is hereby appropriated from the general fund of the State for defraying such expenses during the year 1912.

Appropriation to employ an assistant chemist.

Section 14. The sum of Seven Thousand Five Hundred (\$7,500.00) Dollars, or as much thereof as may be needed, is hereby appropriated from the general fund of the State for the purpose of defraying all expenses incurred by the State Board of Health in enforcing the provisions of this Act during the year ending March 1, 1912 and the sum of Six Thousand Five Hundred (\$6,500.00) Dollars or so much thereof as

Appropriation for year 1911-1912.

Appropriation for year 1912-1913.

may be needed is hereby appropriated from the general fund of the State for the purpose of defraying all expenses incurred by said Board in the enforcement of the provisions of this Act during the year ending March, 1913.

Violations of this Act.

First offense.

Penalties.

Penalties for second offense.

Penalties for third and other offenses.

Shall be paid to whom.

To be paid into what fund.

Duty of County Attorney to prosecute when and whom.

Report of Chemist to taken as presumptive evidence of what.

Limit to rules and regulations to be promulgated by State Board of Health.

Section 15. Except as elsewhere provided in this Act, any person, persons, firm or corporation violating any of the provisions of this Act, shall upon conviction of the first offense, be punished by a fine of not less than twenty-five (25) dollars nor more than seventy-five (75) dollars; for the second offense, by a fine of not less than fifty (50) dollars, nor more than two hundred (200) dollars; and for the third and subsequent offenses, by a fine of not less than one hundred (100) dollars and imprisonment in the county jail for not less than thirty nor more than ninety days, and all fines collected for violations of this Act shall be paid to the county treasurer of the proper county, who shall remit the same to the State Treasurer of the State of Montana, and said moneys shall be placed to the credit of the State Board of Health Maintenance Fund.

Section 16. Whenever the State Board of Health shall furnish evidence to the county attorney of any county in this State, such county attorney shall prosecute any person, persons firm or corporation violating any provision of this Act or any rule or regulation made by the State Board of Health made in conformity with the provisions of this Act, and the report of the chemist of the Montana State Agricultural College, stating that any drug or food examined by him is found to be impure or below the standard required by the provisions of this Act or the rules and regulations of the State Board of Health, shall be taken as presumptive evidence of the impurity of such drug or article of food.

Section 17. No rules or regulations shall be promulgated by the State Board of Health under the provisions of this Act which do not conform to the rules and regulations promulgated or to be hereafter promulgated by the National Government under the Food and Drugs Act of Congress of June 30, 1906; and no

article of foods or drugs shall be deemed to be adulterated, misbranded or otherwise subject to the provisions of this Act when such article of food or drugs conforms to the rules and regulations of the United States Government under any national act or acts.

Articles of food and drugs conforming to rules and regulations of the United States government.

Section 18. All acts and parts of Acts in conflict with the provisions of this act are hereby repealed.

Repealing clause.

Section 19. This Act shall be in full force and effect from and after January 1, 1912.

Approved March 8, 1911.

CHAPTER 131.

An Act to promote Industrial Education.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Elementary manual and industrial training which shall include industrial art may form a part of the required course of Study in all grades of the public schools of the State of Montana. The Superintendent of Public Instruction shall formulate the courses of study, or he may approve courses of study formulated by local school officials, which meet the requirements of this Section. The clerk of each school district in his annual report to the County Superintendent shall state whether the above provisions have been complied with within the schools of his district.

Manual and industrial training in public schools.

Superintendent shall formulate or approve course of study.

Clerk of school district to include in his annual report, what.

Section 2. All school districts having a population of more than five thousand shall, and, districts of less population may, maintain at least one manual training school suitably equipped and designated to furnish manual and industrial instruction to pupils who are above the fifth grade. Said schools shall furnish instruction in elementary wood, metal and textile work; in mechanical and industrial drawing; and in communities where applicable in agriculture, mineralogy, and technical mining; and for girls above the fifth grade, instruction in household management, decoration and economics, and in needlework. They shall also include instruction in industrial history and geography; and in the industrial materials, processes and products with special reference to the industrial pursuits of the communities in which they are situ-

What districts shall and what may maintain manual training schools.

Schools shall furnish training in what.

ated.

Courses to be presented.

The courses to be presented in these schools shall provide:

First: A general culture, intelligence and skill for those pupils whose school attendance will end with the elementary or secondary grades; and

Second: A progressive development designed to prepare directly for efficient work in the related technical and scientific courses of the higher institutions of learning.

Courses to be modified, how.

The courses shall be modified to meet in the largest measure the needs of each class of pupils.

Other materials and different assignment of work permitted.

Nothing in this section shall be understood as forbidding any school from using other materials than those herein specified nor as preventing a different assignment of work by grades, provided that all courses shall have the approval of the State Board of Education.

Teachers to be qualified for work by special preparation.

Teachers of such schools shall have had special preparation for such instruction and shall be holders of Special Manual Training Teachers' Certificates, which the Superintendent of Public Instruction is hereby empowered to grant, when satisfied that the applicant has received a sufficient general education and the professional and technical preparation necessary for such manual and industrial training.

Superintendent may grant certificates.

Special courses in connection with manual training, including agricultural and mining may be given where.

Section 3. In all school districts having a population of over Ten Thousand, there shall be, and in school districts of less population, there may be maintained schools or special courses in connection with manual training, or city or county high schools, designed to furnish a direct vocational training, including training in agricultural pursuits, and mining for which there shall be a local demand. Classes shall be formed when not less than twenty applicants desire instruction in any vocation. Pupils who have reached the age of twelve years and who have completed not less than the general school work assigned to the first five grades may be admitted to these courses upon such terms as the Board of Trustees of the district may prescribe; pupils above the age of fourteen together with adults may be admitted to evening

When classes may be formed.

Pupils of twelve years or over who have passed the first five grades may be admitted.

Who may be admitted to evening classes.

classes, providing similar instruction upon such terms of admittance as the trustees may prescribe, provided that there shall in no case be any charge for tuition. Teachers of such classes shall be holders of special certificates issued by the Superintendent of Public Instruction, specifying the subject or subject which the holder is entitled to teach. Applicants for such certificates must present satisfactory evidence not only of general educational qualifications, but of special training and practical experience in the vocations which they are to teach.

No tuition to be charged.

Qualifications of teacher.

Applicants for special certificate.

Section 4. The trustees of any district are hereby empowered to use moneys from the general school fund of the district for the maintenance of Manual and Industrial Schools and courses the same as for other school purposes: Provided, that the state treasurer shall pay annually from any funds in his possession not otherwise appropriated \$10 to each district for each person attending such Manual and Industrial courses for a period of six months or more yearly; Provided further, that the State Treasurer shall likewise pay annually to any Free County High School which maintains a Manual Training Department, from any funds in the State treasury not otherwise appropriated, the sum of Ten Dollars (\$10.00) for each child or student attending the Manual Training Department in such Free County High School for a period of six months, or longer, yearly. Buildings and furnishings and equipment for Manual and Industrial Training shall be provided in the same manner as now prescribed for the erection and furnishing of buildings for other school purposes.

Section Four disapproved by the Governor. Act takes effect with exception of this section.

Section 5. To secure an efficient administration of this act the State Board of Education shall determine whether such Manual and Industrial schools and courses meet the provisions of the law. Such schools as do not meet the provisions of the act shall not be entitled to state aid until all defects are remedied.

State Board of Education shall determine, what.

Schools not meeting the provisions of this Act.

Section 6. All Acts and parts of acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 7. This Act shall take effect thirty days

Act shall take effect when.

from and after its passage and approval by the Governor.

Approved March 8th, 1911.

(Note—Section 4 Disapproved March 8, 1911.)

CHAPTER 132.

An Act to amend Section 3118 of the Revised Codes of Montana, of 1907, as amended by Chapter 85 of the Session Laws of 1909, relating to the salary and compensation of deputies to county officers and assistants, and to amend Section 3134 of the Revised Codes of Montana, of 1907, relating to the appointment of assistant and deputy county attorneys, also to repeal Sections 3131, 3132 and 3135 of the Revised Codes of Montana of 1907, relating to the appointment and compensation of assistant and deputy county attorneys.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3118 of the Revised Codes of Montana of 1907, as amended by Chapter 85 of the Session Laws of 1909, be, and the same is hereby amended to read as follows:

Section 3118. The annual compensation allowed to any deputy or assistant is as follows:

Counties of the First Class.

Sheriff.

One Under Sheriff, Twenty-four Hundred Dollars.

One Chief Deputy and Clerk, Eighteen Hundred Dollars.

All other deputies, One Thousand, five hundred Dollars.

Clerk and Recorder.

One Chief deputy, One thousand eight hundred Dollars.

All other deputies, One thousand, five hundred Dollars.

Clerk District Court.

One chief deputy, Eighteen hundred dollars.

Each department, deputy clerk, Sixteen hundred and fifty dollars.

All other deputies, One thousand five hundred dollars.

Amending Section 3118 of Revised Codes, 1907, as amended by Chapter 85, Laws of 1909.

Annual compensation of deputies or assistants.

Treasurer.

One chief deputy, Two thousand dollars.

Other deputies, One thousand, five hundred dollars.

Assessor.

One chief deputy, One thousand, eight hundred dollars.

Other deputies between first Monday of March and August of each year, One hundred, fifty dollars per month.

County Attorney.

Chief deputy, Twenty four hundred dollars.

Other deputies, One thousand eight hundred dollars.

Auditor.

One chief deputy, One thousand, eight hundred dollars.

Other deputies, One thousand, five hundred dollars.

Counties of the Second Class.

County Attorney.

Chief deputy, One Thousand, eight hundred dollars.

Other deputies, One Thousand, five hundred dollars.

Counties of the Second and Third Class.

Under sheriff, Eighteen hundred dollars.

Each deputy sheriff, Fifteen hundred dollars.

Each deputy clerk, Fifteen hundred dollars.

Chief deputy clerk, district court, Eighteen hundred dollars.

Other deputy clerks district court, Fifteen hundred dollars.

Chief Deputy Treasurer, Eighteen hundred dollars.

Deputy treasurer, Eighteen hundred dollars.

Chief Deputy Clerk and Recorder, Eighteen hundred dollars.

Chief deputy assessor, Eighteen hundred dollars.

Deputy assessors, Fifteen hundred dollars.

Deputy Auditor, Fifteen hundred dollars.

Counties of the Fourth and Fifth Class.

Under sheriff, Eighteen hundred dollars.

Each deputy sheriff and jailer, Fifteen hundred dollars.

Deputy clerks, Fifteen hundred dollars.

Deputy clerks, district court, Fifteen hundred dollars.

Deputy Treasurer and Deputy Assessor allowed by law at the rate of Fifteen hundred dollars.

Counties of the Sixth, Seventh and Eighth Classes.

Under sheriff, One thousand five hundred dollars.

Each deputy sheriff, not to exceed One thousand five hundred dollars.

Deputy clerks, not to exceed One thousand, five hundred dollars.

Deputy clerk district court, not to exceed, One thousand, two hundred dollars.

Amending Section 3134, Revised Codes 1907.

Section 2. That Section 3134 of the Revised Codes of Montana of 1907, be, and the same is hereby amended to read as follows:

County Attorneys in first and second class counties have power to name and appoint deputies named in Section 3128 and revoke appointments.

Section 3134. That county attorneys of counties of the first and second classes shall have the power and authority to name and appoint the deputies provided for in Section 3128 of the Revised Codes of Montana of 1907, and to revoke their said appointments, except that the county attorney of every third class county, may appoint one deputy, whose salary is hereby fixed at Fifteen Hundred Dollars (\$1500.00) per annum.

One deputy allowed in counties of the third class.

Compensation. Repealing Sections 3131-32 and 3135, Revised Codes, 1907

Section 3. That Section 3131, 3132 and 3135 of the Revised Codes of Montana of 1907 are hereby repealed.

Repealing clause.

Section 4. That all acts or parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 9th, 1911.

CHAPTER 133.

"An Act Authorizing The Montana Children's Home Society To Take From The Orphans' Home At Twin Bridges Dependent Children And Place Them In Carefully Selected Homes For Adoption And To Provide Compensation For The Placing And Caring For Them."

Authority given the Montana Children's Home Society to take dependent Children

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Montana Children's Home Society of Helena is hereby given authority to take from the Orphans' Home at Twin Bridges by and with the

consent of the Superintendent of said Home, dependent children for adoption in carefully selected homes.

Section 2. That the Montana Children's Home Society shall place such children in good homes and shall have supervisory care over such children to the end that such children may be given good care and educational advantages, and shall by proper contract enter into with the State of Montana undertake to exercise proper supervision over the children so placed until they reach their majority, such contract to be filed and preserved at the Orphans' Home at Twin Bridges.

Section 3. The Montana Children's Home Society shall keep a record of all children so placed and shall make a report to the Governor of all children entrusted to its care on the first day of December of each year.

Section 4. The Montana Children's Home Society shall receive for each child so placed and cared for \$100.00 as full compensation for such service.

Section 5. There is hereby appropriated from the general fund the sum of Five Thousand Dollars annually or so much as may be needed to carry out the provisions of this Act.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect on passage and approval.

Approved March 9th, 1911.

CHAPTER 134.

"An Act Providing For The Payment of Interest By The State On Bounty Claims Presented And Unpaid And Appropriating Money Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all claims for bounties which shall have been heretofore presented to the State Board of Examiners and which have not been paid by the state because of lack of funds available for such purpose shall be by the Board immediately registered in a book provided for that purpose, and from and after the date of registration and same shall bear interest at the rate of four (4%) per annum, payable as hereinafter

from Orphans' Home for certain purposes.

Duty of the Montana Children's Home Society towards such children.

Shall enter into contract with state

Said Society to keep records of such children and make annual reports to the Governor.

Compensation to be paid society.

Appropriation.

Repealing clause.

Unpaid bounty claims heretofore presented to State Board of Examiners to be registered

To bear interest from registration.

provided.

All legal and just claims to be registered.

Section 2. Unless the bounty claims presented to said Board, or now on file with said Board, are objectionable because of fraud, non-compliance with law, or other good and sufficient reason appearing to said Board, all such claims shall be at once registered.

Appropriation for paying interest on Bounty claims.

Section 3. For the purpose of paying interest upon such claims there is hereby appropriated from the General Treasury out of any moneys not otherwise appropriated, four thousand (\$4,000.00) dollars for the year 1911 and a like amount for the year 1912.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9th, 1911.

CHAPTER 135.

"An Act to provide for the designation of Temporary County Seats and for the Location of Permanent County Seats in new Counties or in Counties in which the permanent County Seat has not been located."

Be it enacted by the Legislative Assembly of the State of Montana:

Location of county seats.

Section 1. Whenever a county is created hereafter in this State by Legislative Enactment, it shall be the duty of the persons appointed to the office of county commissioners of such county by the act creating it, to meet at some place in the county, to be agreed upon by a majority of said county commissioners, within fifteen days after the passage of the act creating the county and then and there organize as a board of county commissioners by electing one of their number chairman.

Duty of County Commissioners in new counties created by the legislature.

To meet and organize, when.

County Clerk to be notified and meet with Commissioners.

The person appointed to the office of county clerk in the Bill creating the county shall be notified in writing by the county commissioners or some one of them of the time and place of said meeting and he must attend the meeting and act as the clerk thereof and keep a record of the proceedings. If no person is appointed to the office of county clerk, by the act

If no Clerk has been appointed.

creating the county, the commissioners shall at such meeting select some person qualified to hold office of county clerk, to act as clerk of such meeting.

Section 2. Immediately after the organization of the Board of County Commissioners, as provided in Section One of this Act, said board shall by a resolution, spread upon the minutes of its proceedings, designate some place within said county as and to be the temporary county seat until the permanent county seat shall be located as hereinafter in this Act provided. The place so designated shall be the temporary county seat of said county until the permanent county seat is located by the electors of said county at the general election to be held on the first Tuesday after the first Monday of November of the next even numbered year after the creation of the county, or at a special election as hereinafter provided.

In the event of a majority of the county commissioners failing to agree upon the location of the temporary county seat, then each county commissioner shall write the name of the place he favors as the temporary county seat on a slip of paper and said slips be enclosed in envelopes of the same size, color and texture, and shall be deposited in a box or other suitable receptacle and the county clerk, in the presence of said commissioners shall draw out one of the said slips. Thereupon the county commissioners shall by resolution, spread upon the minutes, declare the place named on the slip so drawn by the county clerk, to be the temporary county seat of said county.

At said first general election after the creation of the county, it shall be the duty of the board of county commissioners and county clerk to have separate official ballots printed and distributed for the use of the electors at said election; which ballots shall be in the form and contain the same matter as the ballots provided for in section eight of this Act; and the provisions of section nine of this Act shall apply to and govern the manner of voting and of canvassing said ballots and the board of county commissioners shall declare the result of such election and the location of the permanent county seat and said county seat shall be lo-

Commissioners to designate, by resolution, temporary county seat.

To remain county seat until permanent seat is established by election.

When election to be held.

If County Commissioners cannot agree the temporary county seat to be selected by lot.

Method of casting lot.

Resolution to be spread on minutes.

Duty of County Commissioners and Clerk to prepare ballots at first general election for selection of County seat.

Form of ballots.

Canvassing of ballots and declaring the result.

cated in the manner and according to the provisions of said section nine of this Act;

When petition may be filed with County Commissioners for holding a special election to locate permanent County seat.

Provided, however, that at any time within six months after the passage of an Act creating a new county, a petition or petitions may be filed with the county clerk of the board of county commissioners of such county asking the board to submit the question of the location of the the permanent county seat to the electors of the county at a special election to be called and held in the manner hereinafter in this Act provided. Said petition or petitions must contain in the aggregate the names of at least one hundred taxpayers, whose names appear upon the assessments books containing the last assessment of the property situated in such new county and whose names also appear as registered electors in some registration district established and existing in the territory embraced in the new county at the last general election held therein.

Number of signers necessary.

Qualification of petitioners.

Certificate of County Clerk as to qualification of petitioners.

The petition or petitions when filed with the Board must also have certificates attached thereto from the county clerk of the county in which the person or persons signing the petition resided before the creation of the new county certifying that the names of the person signing said petition or petitions appear in the last assessment books of his county and also in the registration books of his county containing the names of the electors registered in the last general election in the districts now embraced in the new county.

Proceedings upon filing petition for county seat election.

Section 3. Upon filing said petition or petitions duly certified to as provided in section two of this Act, with the county clerk of the new county he must immediately notify the Chairman of the Board of County Commissioners who, upon receipt of such notice, must call a meeting of the board to be held within ten days after the filing of said petition, for the purpose of considering the same. If the board at such meeting finds that said petition conforms to the requirements of and is in accordance with the provisions of section two of this Act, it shall, at said meeting by a resolution spread upon its minutes, call a special election of the

When Board shall call special election.

qualified electors of said county for the purpose of voting upon the question of the location of the permanent county seat.

Said election shall be held on Tuesday and not less than forty nor more than sixty days after the date of calling the same. The Board must issue an election proclamation containing a statement of the time of the election and the question to be submitted. A copy of this proclamation must be published in some newspaper printed in the county, if any, and posted at each place of election at least ten days before the election.

When election shall be held.

Proclamation and publication thereof.

Section 4. At the meeting of the Board at which the special election is called for the purpose of locating the permanent county seat, the board shall by resolution spread upon its minutes, divide the county into registration districts and establish polling precincts in the manner provided by law. It must also, at such meeting, make an order designating the house or place within each precinct where the election shall be held. It must also at the same session of the Board appoint registry agents for the several registration districts established by it who must possess the qualifications required by law for registry agents. The County Clerk must furnish the said registry agents with books, blanks, and other stationery required for the proper performance of their duties.

County Commissioners to divide County into registration districts and polling precincts.

To designate polling places in each district and appoint registration agents.

Duty of County Clerk

Section 5. The period for the registration of electors shall be between the hours of 9 A. M. and 9 P. M., on all legal days from 9 A. M. of the fourth Monday prior to the date of said election to 9 P. M. of the second following Saturday. It shall be the duty of each registry agent to publish and post notices of the time and places of registration in the manner provided by law for the publication of notices of registration for general elections. No person shall be entitled to register and vote at such special election unless he is a qualified voter of the State of Montana of the age of twenty-one years and will have been a resident of Montana one year and of the territory embraced within the boundaries of the new county for a period of one hundred and eighty days on the day next preceding the day of such election and also takes and sub-

Time for holding registration.

Notice of time and place of registration.

Qualification of electors.

scribes to the oath provided in Section 479, Revised Codes of Montana.

General registration and election laws of state applicable.

The general election laws of this state governing the registration of electors and defining the duties of the registry agents shall apply to and govern the registration of electors in elections held under this Act insofar as the same do not conflict herewith.

Appointment of judges of election.

Section 6. At the same meeting of the Board of County Commissioners at which the special election for the location of the permanent county seat is called, the Board shall appoint three judges of election for each precinct in the county who shall act as the Judges at said election. It shall be the duty of the county clerk to have printed and distributed to the judges of election the necessary ballots, the form of which shall be as provided in Sections 2, 8 and 10 hereof, and also supply the judges with the necessary books, records, stationery and ballot boxes required to hold such election in the manner provided by law.

Ballots, books, records, stationery and ballot boxes to be supplied by County Clerk.

The general laws of the state governing judges. Conduct of election returns and other matters shall control.

Section 7. The judges appointed for said special election must qualify as required by the general election law and the polls must be opened and closed, the voting done, the ballots counted, returns made to the board of county commissioners, and all other matters connected with said election, carried on and conducted in accordance with and as provided by Part III, Title II, of the Political Code of Montana and amendments thereto governing elections in this state.

Prescribing form of ballot.

Section 8. The form of the ballot used at such elections shall be as follows: There shall be a stub across the top of each ballot and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot and shall have a depth of not less than two inches. Upon the face of the stub there shall be printed in what is known as brevier capitals the following instructions:

"To vote this ballot the elector will write in the blank space on the ballot the name of the town or place at which he desires the permanent county seat to be located."

The ballot below the perforated line shall be in the following form:

"For the permanent county seat of
 county my choice is";
 name of county)

Provided, that any person, who from any cause, is unable to write, he may have one of the judges in the presence of another judge, write his choice on the ballot.

When judges may write ballot.

Section 9. When the name of a town or place in a county shall be so inserted in the blank space on such ballot by an elector and the ballot has been cast as provided by law, the same shall be deemed a vote for the designated town or place as the location of the permanent county seat of said county. The Board of County Commissioners of said county shall canvass the returns of said election in the manner provided by law for the canvassing of election returns and upon such canvassing of the returns the town or place found to have received a majority of all votes cast on such questions shall be declared by the Board the permanent county seat of the county. The order declaring the result of such election shall be entered of record in the minutes of the proceedings of the Board of County Commissioners by the county clerk and from the date of the declaration of the results of the election the town or place selected shall be and remain until lawfully changed in the manner provided by law, the permanent county seat of such county. Within ten days after the declaration of the result of such election all records and county offices of the county, if elsewhere located, must be moved to and remain at the place declared the permanent county seat.

Name inserted in blank space shall be deemed a vote for the place.

How and by whom returns shall be canvassed

Place selected by returns as permanent county seat.

Resolution to be entered by the county clerk.

Shall remain county seat until when.

When records and county offices shall be moved to county seat selected.

Section 10. If no town or place receives a majority of all votes cast on such question, then the town or place receiving the highest number of votes shall be declared by the Board and immediately become the temporary county seat of the county, and at the next general election the two towns or places receiving the greatest number of votes at said first election shall be the candidates for the permanent county seat. At

In event no town or place receives a majority of all votes cast.

Towns to be voted for at next general election.

At next general election, duty of County Clerk regarding the ballot

What to be printed on stub of ballot.

Form of ballot.

Town or place receiving a majority of all votes cast to be declared the permanent county seat.

What laws shall be applicable may govern new county and its officers.

Selection of Permanent County seats in counties heretofore created and in which such county seat has not been fixed.

Petition for special election must be filed in such counties.

said next general election the county clerk shall have separate ballots in the form provided for in section eight of this Act printed and distributed as provided by law containing the names of said candidates for the permanent county seat. On the stub of such ballots shall be printed the following instructions:

“To vote this ballot the elector will place an X in the square before the name of the town he intends to vote for.”

The form of such ballots below the perforated line shall be as follows:

☐	for the permanent county seat.
☐	for the permanent county seat.

Of said towns or places the one receiving a majority of all the votes cast on such question shall be declared the permanent county seat and the Board of County Commissioners must canvass the returns and declare the result, and the county seat must be located in accordance with the provisions of this Act.

Section 11. All laws of general nature applicable to the several counties of the State of Montana and to the officers thereof and to their powers and duties shall be applicable to a new county and the officers thereof from and after the creation of the county, except as otherwise provided in this Act or the Act creating the county.

Section 12. Any county heretofore created, in which the permanent county seat has not been located by valid election held for the purpose of locating the permanent county seat of said county, may have a special election, for the purpose of voting on such question, called and held under the provisions of this act or if no special election is held for such purpose, then said question shall be submitted by the county commissioners at the next general election after the passage of this Act and in the manner provided herein for the submission of such questions at general elections; Provided, however, that no special election shall be called for the purpose of submitting such question

unless a petition or petitions containing in the aggregate the names of one hundred tax paying electors of such county whose names appear upon the last assessment book and also on the last registration books of said county are filed with the clerk of the Board of County Commissioners within six months after the passage and approval of this Act.

Upon the filing of such petition or petitions within said time, containing the requisite number of tax paying electors, which must be ascertained by the Board from the records of said county, said Board must immediately call such special election, as herein provided.

When Commissioners shall call special election.

If registration districts and polling precincts have already been established in said county, they shall remain the same for such special election but a new registration shall be had and said special election conducted and the result determined as in this act provided.

Registration districts and polling precincts.

The provisions of this section shall not apply in any case where there has been a permanent county seat located and maintained for a period of three (3) years from the date immediately subsequent to the date of the approval of this Act, whether the same was located by a legal election, or otherwise.

When the provisions of this section shall not apply.

Section 13. This act shall be in full force and effect from and after its passage and approval by the Governor.

Act shall take effect.

Approved March 9th, 1911.

CHAPTER 136.

An Act to prohibit and regulate the issuance of reduced or free transportation by common carriers, and providing penalties for violation thereof.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. No common carrier of passengers shall directly or indirectly issue, furnish or give any free ticket, free pass or free transportation for the carriage or passage of any person within this state except as permitted in section 2 of this act. Nor shall any common carrier in the sale of tickets for transportation

Common carriers of passengers prohibited from giving free transportation except as provided in section two of act.

Discrimination in sale of reduced tickets.

What words "free ticket," "free pass" and "free transportation" include in meaning of act.

at reduced rates, discriminate between persons purchasing the same, except the persons described in section 2 of this act. The words "free ticket," "free pass," "free transportation" as used in this act shall include any ticket, pass, contract, permit or transportation issued, furnished or given to any person by any common carrier of passengers for carriage or passage, for any other consideration than money paid in the usual way at the rate, fare or charge, open to all who desire to purchase.

Persons to whom free tickets, passes and transportation, or reduced rates may be given or sold.

Section 2. The persons to whom free tickets, free pass, free transportation and discriminating reduced rates may be issued, furnished or given are the following, to-wit: (a) the officers, agents, employees, attorneys, physicians and surgeons, of such common carriers of passengers; (b) to the families of the persons included in subdivision "a" thereof; (c) the general officers of any such common carrier; (d) employees of sleeping car and express car companies, and line-men of telegraph and telephone companies, railway mail service, employees, post office inspectors, custom inspectors and immigration inspectors, newsboys on trains, baggage agents; (e) persons injured in wrecks and physicians and nurses attending such persons; (f) passengers traveling with the object of providing relief in cases of railroad accident, general epidemic, pestilence, or other calamitous visitation; (g) necessary care takers of live stock, vegetables and fruit, including return transportation to forwarding station; (h) the officers, agents, or regularly accredited representatives of labor organizations, composed wholly of employees of railway companies; (i) inmates of homes for the reform or rescue of the vicious or unfortunate, including those about to enter and those returning home after discharge, and boards of managers, including officers and superintendents of such homes; (j) superannuated and pensioned employees and members of their families and widows of such members; (k) employees, crippled and disabled in the service of the common carrier of passengers; (l) policeman and firemen of any city, wearing the insignia of their office within the limits of such city; (m) ministers of re-

ligion, newspaper employees in exchange for advertising, traveling secretaries of Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; (n) indigent destitute and homeless persons, while being transported by charitable societies or hospitals, and necessary agents, employees in such transportation; (o) school children to and from public or parochial schools; (p) the Railroad Commission of Montana and its necessary employees, while traveling on official duty. The provisions of this act shall not be construed to prohibit the interchange of passes for the persons to whom free tickets, free passes or free transportation may be furnished or given under the provisions of this section. Nothing in this act shall be construed to invalidate any existing contract between a street railway company and a city where a condition of a franchise grant requires the furnishing of transportation to policemen, firemen, and officers while in the performance of official duties.

How provisions of act not to be construed.

Section 3. Any common carrier, its officers or agents or representatives, violating any of the provisions of this act shall be fined in the sum of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00), for each offense and any person other than the persons excepted in section 2 of this act who accepts or uses any free ticket, free pass or free transportation for carriage or passage within this state, shall be subject to a like penalty.

Violation of act.

Penalty.

Persons accepting prohibited transportation.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect from and after its approval by the Governor.

Approved March 10th, 1911.

CHAPTER 137.

An Act to provide for the construction of a Biological Station for the use of the Montana State University in Flathead County, Montana, and to appropriate money therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Appropriation for
a Biological Station
in Flathead County.

Section 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of constructing a Biological Station on the land now owned by the State University in Flathead County, Montana.

Constructed under
directions of.

Section 2. Said station shall be constructed under the direction of the officers of said university, in such manner and form as they shall deem best, and all expenditures in connection with such construction shall be approved by the State Board of Examiners.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect and be in force from and after its passage.

Approved March 10th, 1911.

CHAPTER 138.

"An Act to regulate the manufacture and sale of dairy products and imitation dairy products in the State of Montana. Defining dairy products and imitation dairy products. Providing for a dairy specialist in the Montana State Agricultural College, appropriating moneys therefor and defining his duties, and providing penalties for the violation of the provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Defining milk.

Section 1. Definitions: Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and contains not less than eight and one-half (8.5) per cent. of solids not fat, and not less than three and one quarter (3.25) per cent. of milk fat.

Adulterated milk is milk containing more than eighty-eight (88) per cent. water and less than eleven and three quarters (11.75) per cent. of total solids, eight and one-half (8½) per cent. solids not fat, and three and one quarter (3.25) per cent. fat; milk which has been diluted with water or into which has been introduced any foreign substance whatever. This includes all substances added for the purpose of preserving, coloring and thickening milk or cream, or milk handled in an unsanitary manner or contrary to the rules and regulations of the State Board of Health.

Defining Adulterated milk.

Cream is that portion of milk, rich in milk fat which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean and contains not less than twenty (20) per cent of milk fat.

Defining cream.

Butter is the clean accumulated milk fat from unadulterated milk or cream with or without the addition of salt or coloring matter, containing not less than eighty two and one-half (82.5) per cent of butter fat and not more than sixteen (16) per cent water.

Defining butter.

Cheese is the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments, seasoning and coloring matter and contains, in the water-free substance, not less than fifty (50) per cent of milk fat.

Defining cheese.

Ice Cream is a frozen product made from cream gelatine and sugar, with or without flavoring, and contains not less than fourteen (14) per cent of milk fat, and not more than one (1) per cent pure gelatine.

Defining ice cream

Oleomargarine, butterine, imitation butter or imitation cheese are substances made in imitation of butter or cheese, but not entirely from pure milk or cream in the usual way. They may be construed to mean any article or substance into which any oil, lard or fat, not produced from milk or cream enters as a component part.

Defining oleomargarine, butterine, imitation butter and imitation cheese.

Section 2. Adulterated Milk: No person shall sell or exchange, or offer or expose for sale or exchange as milk or cream, any unclean, impure, adulterated or unwholesome milk, or unclean, impure, adulterated,

Selling, offering for sale or exchange as milk or cream any unclean, impure, adulterated or unwholesome milk or cream forbidden.

Selling, offering for sale or exchange any substance in imitation or any article of food manufactured therefrom forbidden.

Delivering milk or cream deemed exposing or offering same for sale.

Each container to bear a label or card stating the constituents or ingredients when the milk or cream is impure.

No limit to percentage of fat in unadulterated milk or cream sold to creameries.

No one except owner, without his consent, shall use any can, jar or other milk or cream container having owner's name thereon.

Marring or erasing names on containers of milk or cream or using them for other purposes forbidden.

Cans and receptacles must be cleaned before re-using.

colored or unwholesome milk or cream, or sell or exchange, or offer or expose for sale or exchange any substance in imitation, or semblance of milk or cream which is not milk or cream, nor shall they sell or exchange or offer or expose for sale or exchange any such substance as, and for milk or cream or sell or exchange, or offer or expose for sale or exchange any article of food made from such milk or cream, or manufacture from any such milk or cream, any article of human food.

Any person delivering milk or cream to any butter or cheese factory, condensing milk gathering station or railway station to be shipped to any city, town or village shall be deemed to expose or offer the same for sale whether the said milk or cream is consigned to himself or another. Each and every can thus delivered, shipped or consigned, if it be not pure milk or cream, must bear a label or card upon which shall be plainly and legibly stated the constituents or ingredients of the contents of the can. There shall be no limit to the percentage of fat contained in unadulterated milk or cream sold to creameries for the sole purpose of manufacture into butter.

Section 3. Milk, Cream and Ice-Cream Vessels: No person or persons shall without the consent of the owners or owner, use, sell, dispose of or traffic in any milk cans, jars, bottles or milk or ice-cream receptacles belonging to any dealer or shipper of milk or milk products having the name or initials of owner on such cans, jars, bottles or other receptacles. No one shall wilfully mar, change or erase the name or initials stamped or fastened upon sealed milk receptacles or vessels for other purposes, nor place any other substance than milk or its products in them.

Cleaning Vessels Before Return: Whenever any cans, vessels or other receptacles used in the transportation of milk, cream or their products are returned to the producer for a fresh shipment of the product, they must be thoroughly cleaned by washing, rinsing and scalding, so as to make their conditions sanitary and suitable as a receptacle for fresh milk and cream or their products.

No person shall place or suffer to be placed in any such can or receptacle any sweepings, dirt, filth or any animal or vegetable substance tending to produce or promote an unsanitary condition.

Milk, cream or ice-cream shall not be handled in cans rusted inside.

Rusted cans not to be used.

Section 4. Unsanitary Places and Appliances for Milk: No person shall produce or keep milk or any of its products intended for sale, or exchange in any building or place where conditions are unsanitary and unfavorable to the production of wholesome foods.

Milk and its products must not be kept in unsanitary places.

Section 5. Butter and Cheese Factories: Operators of all co-operative butter and cheese factories shall keep their books open for inspection of any patron at all times, showing the daily amounts of milk and cream received and the per cent. and amount of fat in the milk and cream received from each patron and the amounts of cream sold and butter or cheese manufactured daily.

Butter and cheese factories shall keep their books open for inspection.

What to be shown therein.

Every facility should be offered to the patron for keeping himself informed in regard to the business of the butter and cheese factory, and checking up his daily product with his returns.

Facilities to be offered patrons.

Section 6. Reporting Factories: It shall be the duty of every cheese factory, creamery, butter factory, or skimming station, in the State where milk or cream is purchased of or contributed by three or more persons to register the location of such cheese factory, creamery, butter factory, or skimming station, and the name of its owner or manager with the Dairy Division of the Agricultural College on or before the first day of April of each year. Before the organization of any new factory, notice shall be given at once to said dairy division.

Cheese factories, creameries, butter factories and skimming stations to register with Dairy Divisions of the Agricultural College annually.

Notice before the organization of new factory.

Section 7. Babcock Test Regulations: Every person operating the Babcock test in any creamery or cheese factory or other place where milk or cream are bought and paid for on the basis of its fat content shall be required to pass such examination as the Director of the Montana Agricultural Experiment Station shall prescribe, upon the successful completion of which, examination he shall receive a certificate

Examination required of those operating the Babcock test.

Certificates by director of Dairy division of Agricultural College.

signed by said director stating his competency to operate the said test.

Calibration of bottles, pipetts and glassware required.

All test bottles, pipetts and other glass ware used to the Babcock test where the fat forms a basis for the payment for the product, shall be delivered to and calibrated at the Montana State Agricultural College and marked "Montana Agricultural College." Supply houses selling said glassware shall be charged a fee sufficient to cover the cost of calibration.

Fee for calibration.

Falsely manipulating, under and over reading the test contrivances.

No owner, manager, agent, or employee of a cheese factory, creamery or condensed milk factory shall falsely manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality of milk or cream, or to make any false determination of the said Babcock test or otherwise.

Strength of acid to be used in Babcock test.

All acid used in Babcock tests shall be of the strength indicated by the specific gravity reading 1.82 on the standard hydrometer.

Prohibiting the manufacture and sale of imitation butter, as butter.

Section 8. Imitation Butter: No person shall manufacture or sell or expose for sale as butter, any substance out of vegetable or animal fats or oils (not from milk or cream) colored in imitation of butter or any shade of yellow.

Packages containing substitutes for butter to be marked, stamped or labeled plainly.

All products made and sold or exposed for sale, as butter substitutes and made either wholly or in part from any fat or oil other than from pure unadulterated milk or cream, shall be plainly marked, stamped or labeled on every package, so made, sold or exposed for sale in plain black letters one-half inch verticle dimension, "Oleomargarine." Hotels or Restaurants using imitation butter shall place placards, plainly legible from all parts of the dining-room, marked "Oleomargarine" or "Renovated Butter," as the case may be, "used here".

Hotels and restaurants using imitation butter, duties.

Compounding other oils or fats with milk, cream or butter, manufacturing or having in possession oleaginous substances with intent to sell as butter prohibited.

Section 9. Mixing Extraneous Fats with Cream or Butter: No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor make nor manufacture any oleaginous substance not produced from milk or cream, with the intent to sell the same as butter or cheese made from unadulterated milk or cream or have the same in his possession with such

intent; nor shall any person solicit orders for same or offer for sale, nor shall any such article or substance or compound so made or produced, be sold as for butter or cheese, the product of the dairy.

Soliciting orders for same.

Selling same as butter.

Section 10. Renovated Butter: No person shall sell any butter made by taking original packing stock or other butter, or both, and melting the same and drawing off, or extracting the butter fat, and mixing such fat with skimmed milk, or cream or other milk product and re-churning or re-working such mixture; or any butter produced by any process commonly known as boiled process, or renovated butter, unless the words "Renovated Butter" shall be plainly branded with bold faced letters, at least one-half inch in length, on the top and sides of each receptacle, package or wrapper in which it is kept for sale or sold. And if such butter is exposed for sale, uncovered, or not in a receptacle, package or wrapper, then a placard containing the words "Renovated Butter" shall be attached, printed in style and manner as aforesaid, to the mass of butter in such a manner as to easily seen and read by purchasers; and in addition to such marking, the seller shall at the time of sale, stamp the package with the words "Renovated Butter" in letters at least one-half inch in height.

No person shall sell any renovated butter unless plainly prescribed in this section.

Size of letters and where to be placed.

Duty of seller to mark and stamp packages.

Section 11. Patent Butter: No person shall sell as pure butter any substance in which an abnormal quantity of casein or other ingredients have been incorporated.

The sale of other substances as butter prohibited.

Section 12. Imitation or Filled Cheese: No person shall manufacture, deal in, sell, offer or expose for sale or exchange, as cheese, any article or substance in the semblance of, or in imitation of cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal, or offal fats or oils, or melted butter in any condition, or state or modification of the same or oleaginous substances of any kind not produced from unadulterated milk or cream shall have been introduced.

Selling or dealing in cheese known as imitation or filled cheese.

Section 13. Prohibition of Coloring Matter: No person manufacturing with intent to sell any substance or article in imitation or semblance of butter or cheese

Coloring imitations of butter or cheese prohibited.

not made exclusively from unadulterated milk or cream or both, with salt or rennet or both and with or without coloring matter or sage, but into which any animal, intestinal or offal fats, or any oils or fats or oleaginous substance of any kind not produced from pure unadulterated milk or cream, or into which melted butter or butter in any condition or state, or any modification of the same, or lard or tallow shall be introduced, shall add thereto or combine therewith any annato or compounds of the same, or any other substance or substances whatever, for the purpose or with the effect of imparting thereto a color resembling yellow, or any shade of yellow butter or cheese, nor introduce any such coloring matter or other substance into any of the articles of which the same is composed.

Powdering, coating or coloring butterine, oleomargarine or compounds of the same, or other substances not butter, so as to resemble butter or cheese prohibited.

No person shall coat, powder or color with annato or any coloring matter whatever, butterine, or oleomargarine or any compound of the same or any product or manufacture made in whole or in part from animal fats or animal and vegetable oils not produced from unadulterated milk or cream by means of which such product manufacture or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with the intent to sell the same nor shall he sell or offer to sell the same.

No person shall sell or expose for sale poisonous coloring matter for coloring dairy food products nor use the same therein, or sell any such product containing any such coloring matter.

No person or persons shall manufacture, sell or expose for sale any poisonous coloring matter for coloring of dairy food products of any kind. Nor shall any person or persons use in dairy products any poisonous coloring matter manufactured, sold, offered or exposed for sale within the State, nor shall any person or persons sell, offer or expose for sale any dairy food product containing such poisonous coloring matter.

Skimmed milk may be sold as such to whom.

Section 14. Sale of Skim Milk: Notwithstanding the provisions of the preceding Section, milk from which the cream has been removed, if such milk is otherwise wholesome and unadulterated, may be sold as such to makers of skim cheese, or to a consumer as hereinafter defined: but in the later cases only from vessels legally marked with the words "Skimmed Milk" in plain black letters upon a light colored back-

Vessels to be marked how.

ground, and each letter being at least one inch high and one-half inch wide, and said words being placed on the top of side of each vessel. These requirements, however, shall not apply to skimmed or separated milk delivered to any patron of the creamery who regularly sells milk to the proprietor thereof, but all the milk so delivered shall first be pasteurized at a temperature of at least one hundred and eighty (180) degrees Fahrenheit.

Pasteurized skimmed milk may be sold to whom.

Section 15. Trade Marks: When any dealer in dairy products wishes to retain for himself a name, brand or trademark, the same may be registered with the dairy division of the Montana State Agricultural College and on no account shall that name, brand or trade mark be used by another unless duly consigned, given or sold to him by the originator or by the one to whom it belongs.

Registering trade marks of dealers in dairy produce with the dairy division of the Agricultural College, and protection to same.

Section 16. Weights and Measures: The standard measure of capacity for milk shall be the gallon containing two hundred thirty-one (231) cubic inches; the half gallon shall contain one hundred fifteen and five tenths (115.5) cubic inches; and the quart one-fourth as much as the gallon and the pint one-half as much as the quart.

Standard measure for milk.

Solid Measure: The standard measure for the sale of butter and cheese in the State of Montana shall be sixteen (16) ounces (avoirdupois weight) to the pound when wrapped or put in container exclusive of the wrapper or container. Where weight and measures are stated in pounds and ounces they shall be exclusive of the wrapper or other container, and each pound shall contain sixteen (16) ounces, each ounce containing four hundred and thirty-seven and one-half ($437\frac{1}{2}$) grains. Any person, persons, firm or corporation selling or offering for sale any article of food as a pound, or any multiple thereof, the net weight of which is less than sixteen (16) ounces, or the proper multiple thereof to represent the number of pounds sold or offered for sale, shall be guilty of a misdemeanor; provided, a reasonable variance shall be permitted, and that tolerances shall be established by rules and regulations made by the State Board of Health in

Standard measure for butter and cheese.

Weights and measures to be exclusive of wrappers or container.

Selling by short weights a misdemeanor.

State Board of Health shall establish rules and regulations of tolerance.

accordance with the provisions of this act.

Unfair discrimina-
tion defined in
this act.

Section 17. Purchase of Milk, Cream or Butter Fat: Any person, firm, company, association or corporation, foreign or domestic, doing business in the State of Montana and engaged in the business of buying milk, cream or butter fat for the purpose of manufacture or for the purpose of sale or storage, that for the purpose of creating a monopoly or destroying the business of a competitor, discriminate between different sections, localities, communities, cities or town of this state by purchasing such commodity or commodities at a higher price or rate in one section, locality, community, city or town than is paid for the same commodity by said person, firm, company, association or corporation in another section, locality, community, city or town, after making due allowance for the difference, if any, in the actual cost of transportation from the point of purchase to the point of manufacture, sale or storage, shall be deemed guilty of unfair discrimination which is hereby prohibited and declared to be unlawful; but prices made to meet competitive prices all ready in force in such locality shall not be in violation of this Act, and any person, firm, company, association, or corporation or any officer, agent, receiver or member of any such firm, company, association or corporation found guilty of unfair discrimination as defined herein, shall be punished as provided in Section 20.

Prohibited and
declared unlawful.

Prices made to
meet competition
prices legal.

Punishment upon
conviction.

Appropriation for
expenses dairy
specialist and sal-
ary at Montana
State Agricultural
College.

Headquarters and
duties of dairy
specialist.

May enter upon
any premises for
what purpose.

Section 18. Six Thousand Dollars (\$6,000.00) is hereby appropriated, Three Thousand Dollars (\$3,000.00) for the year 1911 and 1912 and Three Thousand Dollars (\$3,000.00) for the year 1912 and 1913 for the employment and expenses of a dairy specialist by the Montana State Agricultural College, whose headquarters shall be at the Montana State Agricultural College at Bozeman and whose duties shall be to foster and encourage the dairy industry of the State. For that purpose, he shall investigate the general conditions of the creameries, cheese factories, condensed milk factories, skimming Stations, milk stations and farm dairies of this State, with full power to enter upon any premises for such investigation and give instructions with the object in view of improving the quality and

creating and maintaining uniformity of the dairy products of the state. He shall under the direction of the Montana State Agricultural College, be available for institutes and dairy meetings throughout the state and aid in every way possible to build up the legitimate dairy interests of Montana. He shall at all times act in conjunction with the State Health Officer in enforcing sanitary requirements in and about all places where dairy products are manufactured, handled or sold, and shall make regular reports to the Secretary of the State Board of Health of conditions found to exist at such places.

Other duties.

Section 19. Prosecutions: It shall be the duty of each and every county attorney to investigate charges of violation of this Act, made against persons, companies, corporations, made in his county and to prosecute all cases where evidence of guilt is shown.

Duty of County Attorney in regard to this act.

Section 20. Penalties: Any person or persons violating Section eight, nine, ten, eleven, twelve or thirteen of this Act, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not less than six months or more than one year or by both fine and imprisonment for each offense.

Penalties for violating certain sections of this act.

Any person or persons violating any other section of this Act shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not less than thirty days nor more than six months, or by both fine and imprisonment for each offense.

Penalties for violating any other section.

Section 21. All rules or regulations made under the provisions of this Act shall be made or promulgated by the State Board of Health, and must conform to the rules and regulations made or promulgated, or to be hereafter made or promulgated by the National Government under the Food and Drugs Act of Congress of June 30, 1906, and articles of food shall not be deemed to be adulterated, misbranded or otherwise subject to the provisions of this Act when such article of food conforms to the rules and regulations of the United States Government under any National Act or Acts.

State Board of Health to make and promulgate all rules and regulations under this act.

Must conform to what.

When articles offered shall not be deemed to be adulterated, misbranded, etc.

Repealing clause.

Section 22. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When act shall take effect.

Section 23. This Act shall be in full force and effect from and after January 1st, 1912, after its passage and approval by the Governor.

Approved March 10th, 1911.

(Note—House Bill No. 121 was vetoed by the Governor March 8th, 1911, returned to him March 10th and approved.)

CHAPTER 139.

An Act providing for the establishment, maintenance and conduct of an Institution in connection with the State Insane Asylum for the care and treatment of persons suffering from mental affliction occasioned by the use of drugs or intoxicants; providing for the commitment thereto, and prescribing penalties for infractions of the provisions thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

State hospital for inebriates established.

Section 1. There shall be established at the State Insane Asylum at Warm Springs, a department of said Institution, which shall be called the State Hospital for Inebriates, and shall be used for the detention, care and treatment of all persons suffering from mental affliction occasioned by the use of drugs or intoxicants.

Supervision and control of hospital

Section 2. The State Board of Commissioners for the Insane shall have supervision and control of said State Hospital for inebriates, and the officers, contractors and employees of the State Insane Asylum shall constitute the officers, contractors and employees of said Hospital for inebriates, and shall receive no additional compensation for their services in connection with said Hospital.

Officers, contractors and employees of.

Duties of Board of Commissioners for the insane.

Section 3. When provisions shall have been completed for said Hospital for Inebriates and the same is ready for occupancy, the State Board of Commissioners for the Insane shall cause a written notice to be mailed to every Judge of the District Court and to every Clerk of the District Court in the State, notifying them that said Hospital is open for the reception of patients.

Notice to be given to the judges and clerks of the district courts of the state.

Section 4. Said Hospital for Inebriates shall receive all patients regularly committed to it who are dipsomaniacs, inebriates, or who are addicted to the excessive use of morphine, cocaine, or other narcotic drugs, and who shall have been regularly examined and found of unsound mind as a result of the use of any such intoxicant or drug.

What patients may be admitted.

Section 5. Applications for commitment to said Hospital for Inebriates shall be made to the Judge of the District Court of the district which embraces the county in which the person whom it is proposed to commit resides, and said application may be made in person by any dipsomaniac, inebriate, or user to excess of morphine, cocaine, or other narcotic drug, or may be made against any such person by any other person.

Application for commitment to Hospital for inebriates, how made.

Section 6. On presentation of the application provided for in Section Five hereof, unless made in person by an inebriate, dipsomaniac, or user to excess of a narcotic drug, the Judge shall issue an Order, which may be served by any peace officer, directing him to bring the accused person before him for examination, and on the appearance of the accused the Judge shall proceed in the manner now provided by law for the examination of insane persons. The accused may be represented by counsel and the Judge may, if he deems it necessary, require the County Attorney of the county where the hearing is had to attend and assist in such hearing. In case said application be voluntarily or involuntarily made and said Judge shall determine that the accused is a proper person to be committed to said Hospital for Inebriates, he shall make the order committing him thereto; otherwise he shall be discharged. The term of detention and treatment shall be until the patient is cured, provided, however, that the Superintendent of such Hospital may discharge any person committed to said Hospital when satisfied that such person is not receiving substantial benefit from further hospital treatment.

Duty of the judge to issue order when application is made by others than the patient.

Service of order.

Examination of accused.

Counsel.

When order of commitment shall be made.

Term of detention and treatment.

When patient may be dismissed.

Section 7. All costs and expenses incurred in the arrest and examination and the costs and expenses incurred in taking the accused to said Hospital shall

How costs of arrest, examination and transportation are to be paid.

be paid in the manner now provided by law for the arrest, examination and commitment of persons to the State Insane Asylum.

The Board of Commissioners for the Insane to fix allowance for the care, treatment and maintenance of the patient in the Hospital.

Section 8. The Board of Commissioners for the Insane shall fix the per capita monthly allowance, which may be charged by said Hospital for the care, treatment and maintenance of each patient therein, which shall be certified by the Superintendent to said Board of Commissioners for the Insane and paid out in the manner now provided by laws applicable to the State Insane Asylum, unless provisions shall be made for the conduct of said institution exclusively as a State Institution, in which event such patients shall be cared for at the expense of the State and as directed by the State Board of Commissioners for the Insane.

How paid.

At examination of the accused for commitment evidence shall be taken as to his financial worth.

Section 9. Whenever an examination or hearing for committal to the State Hospital for Inebriates is had before the Judge, or Chairman of the Board of County Commissioners, and the person adjudged and ordered to be confined in the State Hospital for Inebriates it shall be the duty of the Judge or person before whom the hearing is had to take evidence as to the financial worth of said person committed to the State Hospital for Inebriates, which evidence shall be reduced to writing and filed as provided in the preceding section, and if it appears from said evidence that said person committed to the State Hospital for Inebriates has any means, money or property out of which the expenses of his maintenance in the State Hospital for Inebriates, or any part thereof, could be paid, it shall be the duty of the Judge, or person before whom the hearing is had, to issue a citation to the parties in possession of his property, and to the relatives of said person committed to the State Hospital for Inebriates, if any there be in the county where said person committed to the State Hospital for inebriates resided, citing them to appear and show cause why a guardian should not be appointed for said person committed to the State Hospital for inebriates, and why said guardian should not be ordered to pay the costs of the maintenance of said person committed to the State Hospital for Inebriates, or so much thereof as his means will permit, which citation

If it appears that the person committed has any means or property a citation shall be issued to whom.

What citation shall require of parties.

Services of citation and proceedings thereunder.

shall be served and all proceedings thereunder conducted as provided in part III, Title XII, Chapter XXV, of the Revised Codes of 1907; and if it appear to the Court that said person committed to the State Hospital for Inebriates has property that can be applied towards his maintenance it shall be the duty of the Court to appoint a guardian whose duty shall be to apply such property, or so much thereof as may from time to time be necessary, to the cost of the care and maintenance of such person committed to the State Hospital for Inebriates while an inmate of the State Hospital for Inebriates, and it shall be the duty of the Court to make an order to that effect, and to cause certified copies of such order appointing a guardian, and of the final report of such guardian when made, to be by the clerk of the Court forthwith forwarded to the State Board of Commissioners for the Insane.

When court shall appoint a guardian.

Duty of guardian.

Further duties of the court.

The husband, wife, father, grandfather, mother, grandmother, children, grandchildren, brothers or sisters, of a person committed to the State Hospital for Inebriates, if they or either of them, be of sufficient ability, in the order named, shall be liable for the care, support and maintenance of such person committed to the State Hospital for Inebriates in the said State Hospital for Inebriates to which he has been or may be hereafter committed. And it shall be the duty of the Judge, or the Chairman of the Board of County Commissioners if the hearing be had before him, during any such examination of any person to ascertain the name and addresses of the husband, wife, father, grandfather, mother, grand-mother, children, grandchildren, brothers or sisters, of such person, and at the conclusion of such examination to cause such names and addresses to be certified to the State Board of Commissioners for the Insane.

What relative shall be liable for the support of persons committed to the Hospital.

Duty of the Court to ascertain names and addresses of relatives of the person committed and cause same to be certified to the State Board of Commissioners for the Insane.

Section 10. All persons so committed may be detained in said hospital two years; but when it shall appear to the superintendent of said hospital for inebriates that any person held in said hospital will not continue to be subject to dipsomania or inebriety, or will be sufficiently provided for by themselves or their guardian, relatives, or friends, the Superintendent may

Patients may be detained two years.

When superintendent of Hospital may issue permit to person to be at liberty.

May revoke permit.

issue to such person a permit to be at liberty, upon such conditions as he may deem best, and he may revoke said permit at any time previous to its expiration. The violation by the holder of such permit of any of the terms or conditions of the same shall of itself make said permit void.

Violation of condition of permit.

Superintendent may issue order authorizing arrest of person holding a void permit.

When any permit granted under the provisions of the preceding section has become void in any manner the Superintendent may issue an order authorizing the arrest of the holder or holders of such permit and their return to the Hospital, and such order of arrest may be served by any officer authorized to serve criminal process in any county in this State. Any person at liberty from the Hospital upon a permit, as aforesaid, may voluntarily return to the Hospital any put himself in the custody of the Superintendent. The holder of such permit when returned to said Hospital as aforesaid, whether voluntarily or otherwise, shall be detained therein according to the term of his original commitment.

Order may be served by whom.

Person at liberty may return voluntarily.

Rules and regulations.

Section 11. The rules and regulations in force at the State Insane Asylum shall be the Rules and Regulations for said State Hospital for Inebriates.

Furnishing any patient with intoxicating liquor or narcotic drugs except upon written prescription a felony.

Section 12. Any person who shall furnish any patient of said Hospital for Inebriates, any intoxicating liquor, or narcotic drug, except upon the written prescription of the Superintendent, shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the State Prison for a period of not less than six months nor more than five years, or by fine of not less than five hundred (\$500.00) dollars nor more than one thousand (\$1000.00) dollars. Any person who shall knowingly furnish any intoxicating liquor or narcotic drug to one who has been discharged from said Hospital as cured, except upon the written prescription of a reputable practicing physician, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than one thousand (\$1000.00) dollars.

Punishment.

Knowingly furnishing such articles to discharged cured person.

A misdemeanor.
Penalty.

Repealing clause.

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11th, 1911.

CHAPTER 140.

An Act Providing for the Regulation and Control of Domestic and Foreign Fraternal Benefit Societies, Associations and Corporations in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. (Fraternal Benefit Societies Defined.)

Any corporation, society, order or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with Section 5 hereof, is hereby declared to be a Fraternal Benefit Society.

Fraternal Benefit society; defined.

Section 2. (Lodge System Defined.) Any society having a supreme governing or legislative body and subordinate lodges or branches by whatever name known, into which members shall be elected, initiated and admitted in accordance with its constitution, laws, rules, regulations, and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such society to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system.

When society shall be deemed to be operated on the lodge system.

Section 3. (Representative Form of Government Defined.) Any such society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws; provided, that the elective members shall constitute a majority in number and have not less than two-thirds of the votes, nor less than the votes required to amend its constitution and laws; and provided, further, that the meetings of the supreme or governing body, and the election of officers, representatives or delegates shall be held as often as once

When society shall be deemed to have a representative form of government.

Providso.

Provided further.

Who shall not vote by proxy.

in four years. The members, officers, representatives or delegates of a fraternal benefit society shall not vote by proxy.

Shall be governed by what law.

Section 4. (Exemptions.) Except as herein provided, such societies shall be governed by this act and shall be exempt from all provisions of the insurance laws of this State, not only in governmental relations with the State, but for every other purpose, and no law hereafter enacted shall apply to them, unless they be expressly designated therein.

Exempt from all provisions of the insurance laws.

Shall provide for payment of death benefits and may provide disability benefits.

Section 5. (Benefits.) Subsection 1. Every society transacting business under this Act shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age; provided, the period of life at which the payment of benefits for disability on account of old age shall commence, shall not be under seventy years, and may provide for monuments or tombstones to the memory of its deceased members and for the payment of funeral benefits. Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all or such portion of the face value of his certificate as the laws of the society may provide; provided, that nothing in this Act contained shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole of life which are payable upon the death or disability of the member occurring within the term for which the benefit certificate may be issued. Such society, shall, upon written application of the member, have the power to accept a part of the periodical contributions in cash, and charge the remainder, not exceeding one-half of the periodical contribution, against the certificate with interest payable or compounded annually at a rate not lower than four per cent per annum; provided, that this privilege shall not be granted except to societies which have readjusted or may hereafter readjust their rates of contributions and to contracts affected by such readjustment.

Limit of age regarding payment of old disability benefits.

May provide for what else.

May pay permanent disability benefit at age of seventy.

Nothing herein shall be so construed as to prevent such society from issuing benefit certificate for a term of years.

Society may accept half of premium as assessments in cash and loan the remaining half as a charge against the certificate of insurance.

Rate of interest unpaid portion of assessment to bear.

Proviso.

Subsection 2. Any society which shall show by the annual valuation hereinafter provided for that it is

accumulating and maintaining the reserve necessary to enable it to do so, under a table of mortality not lower than the American Experience Table and four per cent interest may grant to its members, extended and paid-up protection or such withdrawal equities as its constitution and laws may provide; provided, that such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

Such societies may provide to extend paid up protection or withdrawal equities, when.

Limit to such grants.

Section 6. (Beneficiaries.) The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree ascending or descending, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, or to a person or persons dependent upon the member; provided, that if after the issuance of the original certificate the member shall become dependent upon an incorporated charitable institution, he shall have the privilege with the consent of the society, to make such institution his beneficiary. Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member; provided, that any society may, by its laws, limit the scope of beneficiaries within the above classes.

To whom the payment of death benefits shall be confined.

When an incorporated charitable institution may be made the beneficiary.

Members shall have the right to designate beneficiaries, within the limits prescribed and to change them.

No vested rights in benefits until the same shall become due and payable.

Section 7. (Qualifications for Membership.) Any society may admit to beneficial membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified physician and whose examination has been supervised and approved in accordance with the laws of the society; provided, that any beneficiary member of such society who shall apply for a certificate providing for disability benefits, need not be required to pass an additional medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members.

Who may become a beneficial member.

No additional examination need be required for disability insurance.

May accept general or social member.

Section 8. (Certificate.) Every certificate issued by

What every certificate shall specify and provide.

Copies of such certificate shall be received in evidence of what.

Members and beneficiaries bound by changes, additions, and amendments, to what.

Power of society over funds.

No member or beneficiary shall acquire an individual right to any fund of the society.

Exception.

Payment of benefits and expenses shall be made from what funds.

Periodical assessments shall be sufficient for what purposes.

any such society shall specify the amount of benefit provided thereby, and shall provide that the certificate, the charter or articles of incorporation, or, if a voluntary association, the articles of association, the constitution and laws of the society and the application for membership and medical examination, signed by the applicant, and all amendments to each thereof, shall constitute the agreement between the society and the member, and copies of the same certified by the secretary of the society, or corresponding officer, shall be received in evidence of the terms and conditions thereof and any changes, additions or amendments to said charter or articles of incorporation, or articles of association, if a voluntary association, constitution or laws duly made or enacted subsequent to the issuance of the benefit certificate shall bind the member and his beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership.

Section 9. (Funds.) Subsection 1. Any society may create, maintain, invest, disburse and apply an emergency, surplus or other similar fund in accordance with its laws. Unless otherwise provided in the contract, such funds shall be held invested, and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in subsection 2 of Section 5 of this Act. The funds from which benefits shall be paid and the funds from which the expenses of the society shall be defrayed, shall be derived from periodical or other payments by the members of the society and accretions of said funds; provided, that no society, domestic or foreign, shall hereafter be incorporated or admitted to transact business in this State, which does not provide for stated periodical contributions sufficient to provide for meeting the mortuary obligations contracted, when valued upon the basis of the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress, August

23d, 1899, or any higher standard with interest assumption not more than four per cent per annum, nor write or accept members for temporary or permanent disability benefits except upon tables based upon reliable experience, with an interest assumption not higher than 4 per cent per annum.

Subsection 2. Deferred payments or installments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or installments are thereafter to be paid. Such liability shall be the present value of such future payments or installments upon the rate of interest and mortality assumed by the society for valuation, and every society shall maintain a fund sufficient to meet such liability regardless of proposed future collections to meet any such liabilities.

Deferred payments or installments fixed liabilities upon what happening.

Such liabilities shall be what.

Shall maintain a fund sufficient to meet such liability.

Section 10. (Investments.) Every society shall invest its funds only in securities permitted by the laws of this State for the investment of the assets of life insurance companies; provided, that any foreign society permitted or seeking to do business in this State, which invests its funds in accordance with the laws of the State in which it is incorporated, shall be held to meet the requirements of this Act for the investment of funds.

Funds to be invested only in what securities.

Proviso as to foreign societies.

Section 11. (Distribution of Funds.) Every provision of the laws of the society for payment by members of such society, in whatever form made, shall distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions of either or any of said funds shall be used for expenses.

Provisions for payment by members shall distinctly state for what the funds are to be used, and the proportion thereof, and they can not be used for any other purpose.

Section 12. (Organization.) Seven or more persons, citizens of the United States, and a majority of whom are citizens of this State, who desire to form a Fraternal Benefit Society, as defined by this Act, may make and sign (giving their addresses) and acknowledge before some officer competent to take acknowledgement of deeds, articles of incorporation, in which shall be stated:

Members and qualification of persons who may organize a society.

1st. The proposed corporate name of the society.

What articles of incorporation shall state.

Name.

Purposes.

Names and residences and official titles of officers, trustees and directors for the first year.

Articles of incorporation and other papers to be filed with Commissioner of Insurance.

Bond and its conditions.

Duties of Commissioner of Insurance.

Preliminary certificate.

Powers of society upon receipt of such certificate.

which shall not so closely resemble the name of any society or insurance company already transacting business in this State as to mislead the public or to lead to confusion.

2nd. The purpose for which it is formed—which shall not include more liberal powers than are granted by this Act, provided that any lawful, social, intellectual educational, charitable, benevolent, moral or religious advantages may be set forth among the purposes of the society—and the mode in which its corporate powers are to be exercised.

3rd. The names, residences and official titles of all the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body which election shall be held not later than one year from the date of the issuance of the permanent certificate.

Such articles of incorporation and duly certified copies of the constitution and laws, rules and regulations, and copies of all proposed forms of benefit certificates, applications therefor and circulars to be issued by such society, and a bond in the sum of Five Thousand Dollars, with sureties approved by the Commissioner of Insurance, conditioned upon the return of the advanced payments, as provided in this section, to applicants, if the organization is not completed within one year, shall be filed with the Commissioner of Insurance, who may require such further information as he deems necessary, and if the purposes of the society conform to the requirements of this Act, and all provisions of law have been complied with, the Commissioner of Insurance shall so certify and retain the record (or file) the articles of incorporation, and furnish the incorporators a preliminary certificate authorizing said society to solicit members as hereinafter provided.

Upon receipt of said certificate from the Commissioner of Insurance, said society may solicit members for the purpose of completing its organization and shall collect from each applicant the amount of not

less than one regular monthly payment, in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. But no such society shall incur any liability other than for such advanced payments, nor issue any certificate nor pay or allow, or offer or promise to pay or allow, to any person any death or disability benefit until actual bona fide applications for death benefit certificates have been secured upon at least five hundred lives for at least One Thousand Dollars each, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of such society, not until there shall be established ten subordinate lodges or branches into which said five hundred applicants have been initiated, nor until there has been submitted to the Commissioner of Insurance, under oath of the president and secretary, or corresponding officers of such society, a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of stated periodical contributions which shall be sufficient to provide for meeting the mortuary obligation, contracted, when valued for death benefits upon the basis of the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress August 23, 1899, or any higher standard at the option of the society, and for disability benefits by tables based upon reliable experience and for combined death and permanent total disability benefits by tables based upon reliable experience, with an interest assumption not higher than four per cent per annum, nor until it shall be shown to the Commissioner of Insurance by the sworn statement of the treasurer, or corresponding officer of such society, that at least five hundred applicants have each paid in cash at least one regular monthly payment as herein provided per one thousand dollars of indemnity to be effected, which payments in the aggregate shall amount to at

Society shall not incur any liabilities, issue certificates or do any insurance until when.

What to be submitted to the Commissioner of Insurance.

least twenty-five hundred dollars, all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses.

Disposition of advanced payments.

Said advanced payments shall, during the period of organization, be held in trust, and, if the organization is not completed within one year as hereinafter provided, returned to said applicants.

Commissioners of insurance to issue certificate that society has complied with all the provisions of law, when.

The Commissioner of Insurance may make such examination and require such further information as he deems advisable, and upon presentation of satisfactory evidence that the society has complied with all the provisions of law he shall issue to such society a certificate to that effect. Such certificate shall be prima facie evidence of the existence of such society at the date of such certificate. The Commissioner of Insurance shall cause a record of such certificate to be made and a certified copy of such record may be given in evidence with like effect as the original certificate.

Such certificate shall be prima facie evidence of what.

Record of such certificate to be made.

Preliminary certificate not valid after what time.

No preliminary certificate granted under the provisions of this section shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the Commissioner of Insurance, upon cause shown, unless the five hundred applicants herein required have been secured and the organization has been completed as herein provided, and the articles of incorporation and all proceedings thereunder shall become null and void in one year from the date of said preliminary certificate, or at the expiration of said extended period, unless such society shall have completed its organization and commenced business as herein provided. When any domestic society shall have discontinued business for the period of one year, or has less than four hundred members, its charter shall become null and void.

When articles of incorporation and proceedings thereunder shall become null and void.

When Charter of domestic society shall become void.

Power to make constitution and by-laws.

Every such society shall have the power to make a constitution and by-laws for the government of the society, the admission of its members, the management of its affairs and the fixing and readjusting of the rates of contribution of its members from time to time; and it shall have the power to change, alter, add to or amend such constitution and by-laws and shall have

To readjust rates.

such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society.

Power to alter constitution and by-laws.

Section 13. (Powers Retained—Reincorporation—Amendments.) Any society now engaged in transacting business in this State may exercise, after the passage of this Act, all of the rights conferred thereby, and all of the rights, powers and privileges now exercised or possessed by it under its charter or articles of incorporation not inconsistent with this Act, if incorporated; or, if it be a voluntary association, it may incorporate hereunder. But no society already organized shall be required to reincorporate hereunder, and any such society may amend its articles of incorporation from time to time in the manner provided therein or in its constitution and laws and all such amendments shall be filed with the Commissioner of Insurance and shall become operative upon such filing, unless a later time be provided in such amendments or in its articles of incorporation, constitution or laws.

Existing societies may have all the rights conferred hereby as well as those they now possess, not inconsistent herewith.

Existing societies shall not be required to reincorporate hereunder.

All amendments to its constitution and laws to be filed with the Commissioner of Insurance.

Section 14. (Mergers and Transfers.) No domestic society shall merge with or accept the transfer of the membership or funds of any other society unless such merger or transfer is evidenced by a contract in writing, setting out in full the terms and conditions of such merger or transfer, and filed with the Commissioner of Insurance of this State, together with a sworn statement of the financial condition of each of said societies, by its president and secretary, or corresponding officers, and a certificate of such officers, duly verified under oath of said officers of each of the contracting societies, that such merger or transfer has been approved by a vote of two-thirds of the members of the supreme legislative or governing body of each of said societies.

How merger of domestic society and transfer of its memberships and funds to and with another may be accomplished.

Approval by two-thirds of the members of supreme legislative bodies of each society.

Upon the submission of said contract, financial statements and certificates, the Commissioner of Insurance shall examine the same, and, if he shall find such financial statements to be correct and the said contract to be in conformity with the provisions of this section, and that such merger or transfer is just and equitable to the members of each of said societies he shall approve said merger or transfer, issue his certificate to that

Duties of the Commissioner of Insurance upon the filing of such contract and other required papers.

effect and thereupon the said contract of merger or transfer shall be of full force and effect.

In case such contract is not approved.

In case such contract is not approved, the fact of its submission and its contents shall not be disclosed by the Commissioner of Insurance.

Authority of now authorized societies to continue such business and annual renewals thereof.

Section 15. (Annual License.) Societies which are now authorized to transact business in this State may continue such business until the first day of April next succeeding the passage of this Act, and the authority of such societies may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding April, provided, however, the license shall continue in full force and effect until the new license be issued or specifically refused. For each such license or renewal the society shall pay the Commissioner of Insurance Ten Dollars. A duly certified copy or duplicate of such license shall be prima facie evidence that the licensee is a Fraternal Benefit Society within the meaning of this Act.

License to continue in force until when.

Fee for each license or renewal.

Certified copy of license prima facie evidence of what.

Foreign societies not now authorized to do business in state required to obtain a license.

Section 16. (Admission of Foreign Society.) No foreign society now transacting business, organized prior to the passage of this Act, which is not now authorized to transact business in this State, shall transact any business herein without a license from the Commissioner of Insurance. Any such society shall be entitled to a license to transact business within this State upon filing with the Commissioner a duly certified copy of its charter or articles of association; a copy of its constitution and laws, certified by its secretary or corresponding officer, a power of attorney to the Commissioner as hereinafter provided; a statement of its business under oath of its president and secretary or corresponding officers, in the form required by the Commissioner, duly verified by an examination made by the supervising insurance official of its home State or other State satisfactory to the Commissioner of Insurance of this State; a certificate from the proper official in its home State, province or country that the society is legally organized; a copy of its contract, which must show that benefits are provided for by periodical, or other payments by, persons holding similar contracts, and upon furnishing the Commissioner

Must file with Commissioners of Insurance to be entitled to do business what papers.

such other information as he may deem necessary to a proper exhibit of its business and plan of working, and upon showing that its assets are invested in accordance with the laws of the State, territory, district, province or country where it is organized, he shall issue a license to such society to do business in this State until the first day of the succeeding April, and such license shall, upon compliance with the provisions of this Act, be renewed annually, but in all cases to terminate on the first day of the succeeding April, provided, however, that license shall continue in full force and effect until the new license be issued or specifically refused.

Any foreign society desiring admission to this State shall have the qualifications required of domestic societies organized under this Act and have its assets invested as required by the laws of this State, territory, district, country, or province where it is organized. For each such license or renewal the society shall pay the Commissioner Ten Dollars. When the Commissioner refuses to license any society, or revokes its authority to do business in this State, he shall reduce his ruling, order or decision to writing and file the same in his office, and shall furnish a copy thereof, together with a statement of his reasons, to the officers of the society, upon request, and the action of the Commissioner shall be reviewable by proper proceedings in any court of competent jurisdiction within the State; provided, however, that nothing contained in this or the preceding section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this State during the time such society was legally authorized to transact business herein.

Section 17. (Power of Attorney and Service of Process.) Every society, whether domestic or foreign, now transacting business in this State shall, within thirty days after the passage of this Act, and every such society hereafter applying for admission, shall, before being licensed, appoint in writing the Commissioner of Insurance and his successors in office to be its true and lawful attorney, upon whom all legal

License to foreign societies to issue, when.

To be renewed annually.

Qualifications of foreign societies.

Investment of Assets.

Fee for license and renewals thereof.

Duty of Commissioner in refusing license or revoking same.

Review of action of Commissioner by court.

Proviso.

Commissioner of Insurance to be appointed the true and lawful attorney of every society, for what purposes.

Must agree to service of process against it upon its said attorney.

process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the society and that the authority shall continue in force so long as any liability remains outstanding in this State.

Certified copies of such appointment to be deemed sufficient evidence of what.

Copies of such appointment, certified by said Commissioner of Insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service shall only be made upon such attorney, must be made in duplicate upon the Commissioner of Insurance or in his absence upon the person in charge of his office and shall be deemed sufficient service upon such society; provided, however, that no such service shall be valid or binding against any such society when it is required thereunder to file its answer, pledging or defense in less than thirty days from the date mailint the copy of such service to such society. When legal process against any such society is served upon said Commissioner of Insurance he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to its secretary or corresponding officer. Legal process shall not be served upon any such society except in the manner provided herein.

How service of process shall be made.

When service not valid.

Duty of the commissioner when service is made upon him.

Process shall not be served in any other manner.

Meetings of the legislative or governing body of domestic societies may be held when

Section 18. (Place of Meeting—Location of Office.) Any domestic society may provide that the meetings of its legislative or governing body may be held in any State, district, province or territory wherein such society has subordinate branches and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this State. But its principal office shall be located in this State.

Business transacted at such meetings to be held valid.

Principal office to be located in this state.

No personal liability of officers or members of supreme body for what.

Section 19. (No personal Liability.) Officers and members of the supreme, grand or any subordinate body of any such incorporated society shall not be individually liable for the payment of any disability or death benefit provided for in the laws and agreements of such society, but the same shall be payable only out of the funds of such society and in the man-

Benefits to be paid out of what funds

ner provided by its laws.

Section 20. (Waiver of the Provisions of the Laws.) The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or members shall have the power or authority to waive any of the provisions of the laws and constitution of the society, and the same shall be binding on the society and each and every member thereof and on all beneficiaries of members.

Constitution and laws must provide against waiver of any part thereof.

Section 21. (Benefits not Attachable.) No money or other benefit, charity or relief or aid to be paid, provided or rendered by any such society shall be liable to attachment, garnishment or other process, or be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment.

Benefits, money, charters and relief exempt from process of law for debt.

Section 22. (Constitution and Laws—Amendment.) Every society transacting business under this Act shall file with the Commissioner of Insurance a duly certified copy of all amendments of or additions to its constitution and laws within ninety days after the enactment of the same. Printed copies of the constitution and laws as amended, changed or added to, certified by the secretary or corresponding officer of the society shall be prima facie evidence of the legal adoption thereof.

When amendments or additions to constitution or laws shall be filed with the Commissioner.

Prima facie evidence of the adoption of the constitution, laws and amendments.

Section 23. (Annual Reports.) Every society transacting business in this State shall annually, on or before the first day of March, file with the Commissioner of Insurance, in such form as he may require, a statement under oath of its president and secretary or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for the year ending on that date and also shall furnish such other information as the Commissioner may deem necessary to a proper exhibit of its business and plan of working. The Commissioner may at other times require any further statement he may deem necessary to be made relating to such society.

Annual report to be filed with Commissioner, when.

Form and contents of report.

Other information may be required.

Other reports may be required by commissioner.

Other annual report to the Commissioner.

First report of valuation to be made, when, and show what.

Valuation to be certified by whom, and at expense of society.

When shall be filed.

Minimum standard of valuation.

What valuation report shall set forth.

Disability benefit fund to be kept separate from all other funds.

In addition of the annual report herein required, each society shall annually report to the Commissioner a valuation of its certificates in force on December 31st, last preceding, excluding those issued within the year for which the report is filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses, provided the first report of valuation shall be made as of December 31st, 1912. Such report of valuation shall show, as contingent liabilities, the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and, as contingent assets, the present mid-year value of the future net contributions provided in the constitution and laws as the same are in practice actually collected. At the option of any society, in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided and said net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years.

Such valuation shall be certified by a competent accountant or actuary, or at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the Commissioner within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except for disability benefits, shall be the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress August 23rd, 1899, or at the option of the society, any higher table, or, at its option, it may use a table based upon the society's own experience of at least twenty years and covering not more than four per centum per annum. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other busi-

ness of the society; provided, that where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation shall be according to tables of reliable experience and in such a case a separation of the funds shall not be required.

Proviso.

The valuation herein provided for shall not be considered or regarded as a test of the financial solvency of the society, but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its matured liabilities.

When society shall be held solvent.

Beginning with the year 1914 a report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June 1st of each year, or in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of the members are insufficient to pay all matured death and disability claims in full and to provide for the creation and maintenance of the funds required by its laws additional, increased or extra rates of contribution shall be collected from the members to meet such deficiency, and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per centum per annum.

Printed reports of the financial condition of society to be furnished each member, to be furnished, beginning when.

Or in lieu thereof.

Laws of the society must provide for increased assessments of rates of contribution when it may become necessary.

Laws may further provide.

Section 23a. (Provisions to Insure Future Security.) If the valuation of the certificates as hereinbefore provided, on December 31st, 1917, shall show that the present value of future net contributions, together with the admitted assets, is less than ninety per centum of the present value of the promised benefits and accrued liabilities, such society shall be required thereafter to reduce such deficiency not more than five per centum of the total deficiency on said December 31st, 1917, at each succeeding triennial valuation. If at any suc-

Deficiency in valuation of certificates to be reduced, when.

Duty of Commissioner when improvement not shown.

When proceedings for dissolution of society to be commenced.

In case of foreign society.

Society not making deficiency in valuation good within one year after triennial valuation.

Subject to provisions of section 12 of act.

Assessments of new members to be kept separate until when.

Power of visitation and examination in the Commissioner.

Free access to all books and papers.

Summon witnesses and examine officers, agents and employees.

ceeding triennial valuation such society does not show such percentage of improvement, the Commissioner shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has not made the percentage of improvement required therein, the Commissioner may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of such society, in accordance with the provision of Section 24 of this Act, or, in the case of a foreign society, he may cancel its license to transact business in this State.

Any such society, shown by any triennial valuation, subsequent to December 31st, 1917, not to have made the improvement herein required shall, within one year thereafter, complete such deficient improvement, or thereafter, as to all new members admitted, be subject, so far as stated rates of contribution are concerned, to the provisions of Section 12 of this Act, applicable in the organization of new societies; provided, that the contributions and funds of such new members shall be kept separate and apart from the other funds of the society until the required improvement shall be shown by valuation. If such required improvement is not shown by the succeeding triennial valuation, then the said new members may be placed in a separate class and their certificates valued as an independent society in respect of contributions and funds.

Section 24. (Examination of Domestic Societies.) The Commissioner of Insurance, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society. He may employ assistants for the purpose of such examination, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers, agents and employees or other persons in relation to the affairs, transactions and condition of the society.

The expense of such examination shall be paid by the society examined, upon statement furnished by the Commissioner of Insurance, and the examination shall be made at least once in three years.

Expense of examination.

Examinations to be made at least triennially.

Whenever after examination the Commissioner of Insurance is satisfied that any domestic society has failed to comply with any provisions of this Act, or is exceeding its powers, or is not carrying out its contracts in good faith, or is transacting business fraudulently, or whenever any domestic society, after the existence of any one year or more, shall have a membership of less than four hundred, (or shall determine to discontinue business), the Commissioner of Insurance may present the facts relating thereto to the Attorney General, who shall, if he deem the circumstances warrant, commence an action in quo warranto in a court of competent jurisdiction, and such court shall thereupon notify the officers of such society of a hearing, and if it shall then appear that such society should be closed, said society shall be enjoined from carrying on any further business and some person shall be appointed receiver of such society, and shall proceed at once to take possession of the books, papers, moneys and other assets of the society and shall forthwith, under the direction of the Court, proceed to close the affairs of the society and to distribute its funds to those entitled thereto.

Duty of Commissioners to report condition and actions of society to the Attorney General in certain cases.

Attorney General to institute quo warranto action, when.

Notice of hearing.

When society shall be enjoined.

Receiver to be appointed and duties of.

No such proceedings shall be commenced by the Attorney General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it, on a date to be named in said notice, to show cause why such proceedings should not be commenced.

Notice must be given and an opportunity to show cause before Attorney General before proceedings are commenced.

Section 25. (Application for Receiver, etc.) No application for injunction against or proceedings for the dissolution of, or the appointment of a receiver for any such domestic society or branch thereof, shall be entertained by any Court in this State unless the same is made by the Attorney General.

Attorney General only can make application for injunction, dissolution or appointment of a receiver.

Section 26. (Examination of Foreign Societies.) The Commissioner of Insurance, or any person whom he may appoint, may examine any foreign society transacting or applying for admission to transact business in

Examination of foreign societies

Commissioner may employ assistants.

Free access to books, papers and documents.

Examination of witnesses, officers, agents and employees.

Can accept in lieu of such examination, what.

Expenses of examination.

Refusing to submit to such examination will cause authority of such society to write new business to be suspended.

Not to write new business.

Commissioner of Insurance not to make public the condition of any society.

Nor permit to become public any financial statement, report or finding until when.

Commissioner on investigation shall notify foreign society of what, stating in writing the grounds of his dissatisfaction.

this State. The said Commissioner may employ assistants, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society, and may summon and qualify as witness under oath and examine its officers, agents and employees and other persons in relation to the affairs, transactions and condition of the society. He may, in his discretion, accept in lieu of such examination the examination of the Insurance Department of the State, territory, district, province or country where such society is organized. The actual expenses of examiners making any such examination shall be paid by the society upon statement furnished by the Commissioner of Insurance.

If any such society or its officers refuse to submit to such examination or to comply with the provisions of the section relative thereto, the authority of such society to write new business in this State shall be suspended or license refused until satisfactory evidence is furnished the Commissioner relating to the condition and affairs of the society, and during such suspension the society shall not write new business in this State.

Section 27. (No adverse Publication.) Pending during or after an examination or investigation of any such society, either domestic or foreign, the Commissioner of Insurance shall make public no financial statement, report or finding, nor shall he permit to become public any financial statement, report or finding, affecting the status, standing or rights of any such society, until a copy thereof shall have been served upon such society, at its home office, nor until such society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding and to make such showing in connection therewith as it may desire.

Section 28. (Revocation of License.) When the Commissioner of Insurance on investigation is satisfied that any foreign society transacting business under this Act has exceeded its powers, or has failed to comply with any provision of this Act, or is conducting business fraudulently, or is not carrying out its contracts in good faith he shall notify the society of his findings,

and state in writing the grounds of his dissatisfaction, and after reasonable notice require said society, on a date named, to show cause why its license should not be revoked. If on the date named in said notice such objections have not been removed to the satisfaction of the said Commissioner, or the society does not present good and sufficient reasons why its authority to transact business in this State should not at that time be revoked, he may revoke the authority of the society to continue business in this State. All decisions and findings of the Commissioner made under the provisions of this section may be reviewed by proper proceedings in any court of competent jurisdiction, as provided in Section 16 of this Act.

To require society to show cause.

When commissioner may revoke authority of foreign society to do business in state.

Decision may be review in proper court.

Section 29. (Exemption of Certain Societies.) Nothing contained in this Act shall be construed to affect or apply to grand or subordinate lodges of Masons, Odd Fellows or Knights of Pythias (exclusive of the Insurance Department of the Supreme Lodge Knights of Pythias), and the Junior Order of United American Mechanics (exclusive of the Beneficiary Degree or insurance branch of the National Council Junior Order United American Mechanics) or societies which limit their membership to any one hazardous occupation, nor to similar societies which do not issue insurance certificates, not to an association of local lodges of a society now doing business in this State which provides death benefits not to exceed three hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year to any one person, or both, not to any contracts of reinsurance business on such plan in this State, nor to domestic societies which limit their membership to the employes of a particular city or town, designated firm, business house or corporation, nor to domestic lodges, orders or associations of a purely religious, charitable and benevolent description, which do not provide for a death benefit of more than one hundred dollars, or for disability benefits of more than one hundred and fifty dollars to any one person in any one year; provided, always, that any such domestic order or society which has more than five hundred members, and provides for death or dis-

What lodges and societies exempt from this Act.

Proviso.

May require information to determine whether society is subject to provisions of this act.

ability benefits, and any such domestic lodge, order or society which issues to any person a certificate providing for the payment of benefits, shall not be exempt by the provisions of this section, but shall comply with all the requirements of this Act. The Commissioner of Insurance may require from any society such information as will enable him to determine whether such society is exempt from the provisions of this Act.

Societies exempt from act shall not pay for procuring new members.

No society, which is exempt by the provisions of this section from the requirement of this Act shall give or allow to promise to give or allow, to any person any compensation for procuring new members.

What societies may be licensed under this act.

Any fraternal benefit society heretofore organized and incorporated and operating within the definition set forth in Sections 1, 2 and 3 of this Act, providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this Act, and shall have all the privileges and shall be subject to all the provisions and regulations of this Act, except that the provisions of this Act requiring medical examinations, valuations of benefit certificates, and that the certificate shall specify the amount of benefits, shall not apply to such society.

What provisions not to apply to societies last above named.

Funds of exempt from taxation.

Section 30. (Taxation.) Every fraternal benefit society organized or licensed under this Act is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal and school tax, other than taxes on real estate and office equipment.

Making false or fraudulent statements concerning any applications, or in obtaining money or benefit from society a misdemeanor.

Section 31. (Penalties.) Any person, officer, member or examining physician of any society authorized to do business under this Act who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money from or benefit in any society transacting business under this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or imprisonment in the county jail

Punishment.

for not less than thirty days, nor more than one year, or both, in the discretion of the Court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized by this Act, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this State in relation to the crime of perjury.

Other false statements which are perjury,

Penalty.

Any person who shall solicit membership for, or in any manner assist in procuring membership in any fraternal benefit society not licensed to do business in this State, or who shall solicit membership for, or in any manner assist in procuring membership in any such society not authorized as herein provided, to do business as herein defined in this State, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Soliciting membership in any unlicensed or unauthorized society a misdemeanor.

Punishment.

Any society, or any officer, agent or employe thereof neglecting or refusing to comply with, or violating any of the provisions of this Act, the penalty for which neglect, refusal or violation is not specified in this section, shall be fined not exceeding two hundred dollars upon conviction thereof.

Neglecting or refusing to comply with, or violating any provision of act, the penalty for which is not specified, a misdemeanor.

Punishment.

Section 32. This Act shall be in full force and effect on and after the first of April, 1911.

Act shall take effect.

Section 33. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1911.

CHAPTER 141.

"An Act Imposing a License Tax on Companies Operating Sleeping Cars."

Be it enacted by the Legislative Assembly of the State of Montana :

A license tax of one hundred dollars for each sleeping car operated in state.

Section 1. Every person, association or corporation engaged in the business of operating sleeping cars carrying passengers from one point to another within the State of Montana shall pay into the state treasury, on or before the first day of January of each year, a license tax of one hundred dollars for each car used by it in the conduct of such business.

Persons, companies and corporations annually to file report in office of state treasurer, stating number of sleeping cars it is operating.

Section 2. Every such person, association or corporation shall annually, on the 31st day of December of each year, file in the office of the state treasurer a statement of the number of such cars used by it during the year preceding in the conduct of such business and the names of such cars, so far as the same have names, which statement shall be verified by the oath of some officer of the corporation, testifying of his own knowledge as to the facts therein stated.

Other matters to be included in report.

Section 3. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 11th, 1911.

CHAPTER 142.

An Act to authorize the State Board of Examiners of Montana to prepare and have indexed, printed and bound copies of the debates, and proceedings of the Constitutional Convention of the State of Montana and to provide for the distribution of the same, and providing an appropriation therefor.

Be it enacted by the Legislative Assembly of the State of Montana :

Debates of the State Constitutional Convention to be indexed, printed and bound.

Section 1. The State Board of Examiners is hereby authorized and directed to prepare copies of, to have indexed, printed and bound at least five hundred (500) copies of the debates and proceedings of the Constitutional Convention of the State of Montana.

To advertise for bids for printing and binding.

Section 2. The said State Board of Examiners shall have authority and are hereby given authority to advertise for bids for the printing and binding of such debates and proceedings of the Constitutional Con-

vention of the State of Montana, and to make all contracts in connection therewith.

Section 3. The said State Board of Examiners is hereby authorized and directed to prepare the said debates and proceedings of the Constitutional Convention of the State of Montana in such suitable manner as may be necessary for printing same.

To prepare the debates and proceedings in manner necessary for printing.

Section 4. Upon the said proceedings and debates of the Constitutional Convention of the State of Montana being printed and bound, the Secretary of State is hereby authorized and directed and shall deliver to the State Historical Library, three copies of the said debates and proceedings of the Constitutional Convention of the State of Montana; to the State Law Library, two copies thereof; to the State Supreme Court, two copies thereof; to the Library of Congress, one copy thereof; to the Circuit Court of the United States, ninth circuit in and for the district of Montana, one copy thereof.

To whom copies shall be delivered.

Section 5. The Secretary of State is hereby authorized and directed to furnish to the Law Library of the State of Montana such copies of the said debates and proceedings of the Constitutional Convention of the State of Montana as may be necessary for exchanges.

To furnish Law Library necessary copies for exchange.

Section 6. That seventy-five hundred (7500) dollars or so much thereof as may be necessary be and the same is hereby appropriated out of any monies in the State Treasury not otherwise appropriated for the objects and purposes herein above expressed.

Appropriation.

Section 7. This act shall be in force and effect from and after its passage and approval.

Approved March 11th, 1911.

CHAPTER 143.

An Act providing for an appraisal commission to investigate and report with respect to the reasonable value of the property of the copartnership of Mitchell and Mussigbrod, located in Deer Lodge County, the purchase of which has been recommended by joint committee; providing for the acceptance of the terms of this Act and for arbitration in order to reach agreement respecting the value of the property, and prescribing the duties of the state board of examiners in the premises.

Be it enacted by the Legislative Assembly of the State of Montana:

Providing for the purchase of the property of Mitchell and Mussigbrod located at Warm Springs.

Section 1. That the State of Montana may in accordance with the provisions of this Act, make purchase of the property of the copartnership of Mitchell and Mussigbrod located at Warm Springs, in Deer Lodge County, which has been recommended by unanimous report of the joint committee of the senate and house to be purchased by part payment in cash and the balance with a state bond issue; provided that the state shall not pay therefor an amount in excess of the sum of six hundred fifty thousand (\$650,000.00) dollars, and provided further that no land shall be purchased unless the same shall be free and clear of all liens, easements and encumbrances and unless the grantors are able to and do convey an absolute title in fee simple to the state.

Limit to be paid.

Title must be clear.

Governor shall appoint a commission to investigate value.

Section 2. There shall be appointed by the Governor a commission of three citizens of this state for the purpose of making full investigation and examination into the reasonable value of said property. Said commission shall on a date to be designated by the governor, meet in the capitol building at Helena, and organize by appointing a chairman and secretary. The secretary shall be a person selected by the commission, not a member of the commission.

When commission shall meet and organize.

Compensation of commission.

Section 3. The members of said commission shall receive the sum of ten dollars per day for each and every day by them actually spent in making investigation concerning the reasonable value of said property, and their actual and necessary travelling ex-

Expenses.

penses, and the secretary shall receive a salary of one hundred twenty-five (\$125.00) dollars per month.

Salary of secretary.

Section 4. The per diem and expenses of said commission, and salary of the secretary, shall be paid upon approval by the board of examiners from the appropriation made for the care and maintenance of the Insane Asylum.

How the per diem, expenses and salary of secretary to be paid.

Section 5. Immediately upon appointment of said commission and said secretary, they shall qualify by subscribing the constitutional oath of office and file the same, together with certified copy of their appointment in the office of the Secretary of State.

Oath of office.

Section 6. To aid them in the examination of the books and records and in determining the valuation of property, they shall be authorized to appoint assistants such as architects, building contractors, live stock men, and others.

May appoint assistants in examination of books, records and property.

Section 7. When said commission shall have finally completed its work and labors to its satisfaction and fixed all valuations, it shall thereupon call before it the representatives of said copartnership in an endeavor to come to an understanding as to the correctness of the valuations by it fixed, so as to treat said copartnership justly and fairly.

Duty of commission after fixing values.

Section 8. After such hearing, if it be found that said commission and the copartnership are able to agree as to the reasonable value of said property, it shall report its findings and recommendations to the state board of examiners, and said board shall thereupon enter into contract in the name of the State of Montana for the purchase of said property in accordance with the recommendations of the joint committee hereinabove referred to, and the report and recommendations of said commission.

If commission and owners agree commission shall file report with state board of examiners.

Contract for purchase.

Section 9. After such hearing, should it be found that the commission and the co-partnership disagree as to the reasonable amount to be paid for such property, said co-partnership shall thereupon be permitted to name three disinterested citizens to act in conjunction with said commission, and said commission and the persons so named by the copartnership shall agree upon and select another person, thus making the com-

Proceedings in case commission and the copartnership do not agree.

Persons to be added to the commission.

Arbitration commission.

mission comprise seven in number instead of three, to be known as the Arbitration Commission under the terms and provisions of this Act.

If arbitration commission is appointed expenses of four members to be paid by the co-partnership.

Section 10. In the event of the appointment of an Arbitration Commission, as herein provided, the co-partnership shall bear and pay the expenses incident to travel and per diem of the four persons named in order to complete the number of the arbitration commission.

Duties of arbitration commission.

Section 11. The arbitration commission shall thereupon at once organize and proceed to consider and review the work of the appraisal commission and the differences existing between said appraisal commission and the copartnership, and when they shall finally have completed their work they shall make full and complete report and recommendations to the state board of examiners, and their recommendations as to the purchase price to be paid shall be final and conclusive both as to the state and the copartnership.

Report.

The co-partnership is to accept in writing the terms of this act before its approval by the Governor.

Section 12. Before the approval of this law by the governor, the copartnership is hereby required to execute a written acceptance of the terms and provisions of this act in form to be approved by the attorney general, and deliver same to the governor, and upon approval of the act such written acceptance shall be placed on file in the office of the secretary of state.

When the State Board of Examiners will have authority to expend money or issue bonds for purchase of the property.

Section 13. The state board of examiners shall not be authorized to expend any money from the general treasury for the purchase of said property, or to issue any bonds therefor in accordance with other acts pertaining to this subject until said commission shall have made full report and recommendations nor until the attorney general shall be fully satisfied with respect to all titles, nor until the purchase of the property at the price agreed upon shall be ratified by the people at the polls.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13th, 1911.

CHAPTER 144.

An Act to authorize the State of Montana to become indebted in excess of the Constitutional limit and to provide for the issuance of bonds in the name of the State for the purchase of the property of Mitchell & Mussigbrod, located in Deer Lodge County, Montana, such property to be used for the care of the State's indigent insane, and others in need of hospital attention and treatment, all in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2."

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. The state board of examiners of the State of Montana is hereby authorized and empowered to issue bonds in the name of the State of Montana to an amount not exceeding six hundred and fifty thousand dollars (\$650,000.00) in excess of the constitutional limitation of indebtedness of one hundred thousand (\$100,000.00) dollars; provided, however, that bonds heretofore issued and now outstanding shall not be computed so as to in any manner interfere with the bond issue under the terms and provisions of this act to the full amount of six hundred and fifty thousand (\$650,000.00) dollars. The bonds, or money derived from said bonds to be used in payment of the purchase price of the property of Mitchell & Mussigbrod, in Deer Lodge County, to be used for the care of the state's indigent insane and others needing hospital treatment and attention, all in accordance with the report of the Joint Committee appointed pursuant to senate joint resolution No. 2.

Section 2. The state bonds, issuance of which is herein provided for, shall be issued in denominations of one thousand (\$1,000.00) dollars each, and shall bear date December 1st, 1912, and become due in twenty (20) years from the date of issuance, and be redeemable and payable, at the option of the state, ten (10) years from their date, or at any interest paying period, and they shall bear interest at the rate of four per cent (4%) per annum, payable semi-annually on the first days of December and June of each year at the

State Board of Examiners authorized to issue bonds in excess of constitutional limitations.

Provided.

Use of proceeds of bonds.

Denominations of bonds.

Date and when due.

When redeemable.

Interest and when payable.

Condition to be
contained in bonds

office of the State Treasurer of the state of Montana.

Section 3. Each bond issued under the provisions of this act shall contain a condition substantially as follows:

"This bond is one of a series of state bonds of the denomination of one thousand dollars, each of like tenor and date, numbered from one (1) to, inclusive, and aggregating the sum of dollars. The right is hereby reserved to redeem this bond at any regular interest paying period, as stated herein, by payment of the principal and interest in full to the date of redemption; provided that not less than ten (10) days notice shall be given by the state treasurer, in writing, or by publication of such intention on the part of the state to make redemption."

Form and method
of giving notice.

The form of notice and method of giving same shall be in accordance with the direction of the state board of examiners.

Annual levy of tax
for State Insane
Asylum Bond
Fund.

Section 4. There shall be levied annually one fourth ($\frac{1}{4}$) of a mill on the dollar on all taxable property in this state, which when collected by the county treasurer shall be accounted for and paid over to the state treasurer to be by the state treasurer held in a separate fund designated as the "State Insane Asylum Bond Fund," and same shall be used exclusively for the payment of interest on such bonds and for the redemption thereof.

To be used exclu-
sively for what.

Form of bonds.

Section 5. The bonds shall be in such form as shall be prescribed by the attorney general and approved by the state board of examiners, and shall be signed by the members of said board and issued under the great seal of the state of Montana, and shall be registered in the office of the state treasurer. The bonds shall have interest coupons attached covering the interest due semi-annually, and shall have the lithographed fac-simile signature of the members of the state board of examiners affixed thereon.

How executed.

Where registered.

Semi-annual in-
terest coupons
to be attached.
Signature to cou-
pons.

How bonds shall
be disposed of.

Section 6. The bonds herein authorized and provided for shall be disposed of by the state board of examiners in such manner as seems for the best interests of the state in carrying out the terms and provisions of this act, and none of said bonds shall be

Minimum price.

sold or disposed of for less than its face value.

Section 7. When the purchase price of the property belonging to said Mitchell and Mussigbrod so to be acquired is fixed through arbitration, as provided for, it shall be the duty of the governor to cause the question of its purchase at the price designated to be submitted to the electors at the next ensuing general election, the ballots expressly designating such price, and upon receiving a majority of all the votes cast for and against its purchase at such election it shall be declared approved. Each County Clerk in this state shall have separate ballots printed and furnished to each precinct in his county in the same manner as regular ballots, to be used by the electors to vote upon the question herein submitted to them for approval. Said separate ballots shall be in conformity with the provisions of the general election laws of this state, and shall have printed thereon the following:

Question of purchase to be submitted at next general election.

Ballots to designate the price.

Purchase shall be declared approved when.

Duty of County Clerks concerning ballots.

Separate ballots to conform with election laws.

"For the law authorizing a state bond issue of dollars for the purchase of property of Mitchell & Mussigbrod, to be used by the state for the care of its indigent insane and others needing hospital attention and treatment."

What shall be printed upon the separate ballots.

"Against the law authorizing a state bond issue of dollars for the purchase of property of Mitchell and Mussigbrod, to be used by the state for the care of its indigent insane and others needing hospital attention and treatment."

The elector shall vote said ballot by making an "X" in the square in front of the proposition he desires to vote upon.

How ballot shall be voted.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Approved March 13th, 1911.

CHAPTER 145.

"An Act relating to the State Militia of the State of Montana, providing for the organization, regulation, maintenance and discipline of the National Guard of Montana, prescribing duties of certain county and state officers in connection therewith, prescribing penalties and repealing Sections 1045 to 1110 inclusive, of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana :

The Military Code
of the State of
Montana.

Section 1. This Act, together with subsequent Acts amendatory thereof, and all future Acts relating to the militia and National Guard of Montana, shall be known as the Military Code of the State of Montana.

Who subject to
Military duty.

Section 2. Persons subject to military duty:

Every able bodied male citizen, and every able bodied male of foreign birth, who has declared his intention to become a citizen, resident within this state, who is more than eighteen or less than forty-five years of age, shall be subject to military duty, unless specifically exempted therefrom by the laws of the United States or this state.

Persons exempt
from military duty

Section 3. The following persons are exempt from military duty in this state:

1. Civil and Military officers of the United States.
2. State and County civil officers.
3. Members of any regularly organized fire or police department in any city or town.
4. All persons exempt from military duty by the laws of the United States.

Persons who have
enlisted not ex-
empt under this
section.

5. All idiots, lunatics and persons under sentence for having committed an infamous crime: Provided, that no person who shall have voluntarily enlisted in the National Guard of Montana shall be entitled to exemption under this section during the time of his enlistment.

Duty of County
assessor to enroll
able bodied male
inhabitants.

Section 4. The County Assessor of each County in the State, when he prepares his assessment roll each year must at the same time enroll every able bodied male inhabitant of said county not under sentence for an infamous crime, who is more than eighteen and less

than forty-five years of age. On such enrollment and opposite the name of each person who is exempt from duty under section two, or who is serving in the active militia, or who is unable by reason of physical disability to perform military duty, the Assessors shall write the word "exempt," and state in each case the cause of exemption.

Must write the word "exempt" opposite what names.

The enrollment shall be made in triplicate and shall state the name, residence, age, occupation and previous or existing military or naval service of each person enrolled.

Enrollment must be in triplicate and contain what.

When complete the rolls shall be verified under oath by the enrolling officer, who shall immediately thereupon file one copy with the Adjutant General of the State and another with the County Auditor, retaining the third copy for himself.

To be verified and copies filed with whom.

Section 5. Any person claiming exemption shall satisfy the Assessor of his right thereto, and in case of doubt the burden of the proofs shall be upon the person claiming exemption, and the assessor shall require him to submit to examination on oath and may administer such oath.

Persons claiming exemption.

Section 6. Any person knowingly and wilfully refusing information or giving false information to an assessor or other authorized person making the enrollment, respecting the name, age, residence, occupation, military service, physical or mental condition, or other proper subject of inquiry, or himself or of any person within his knowledge liable to be enrolled, shall for each concealment, refusal or giving of false information be guilty of a misdemeanor. The assessor, or other officer, making the enrollment shall within ten days after the date of delivering the military roll to the County Auditor report all persons violating this section to the Adjutant General.

Wilfully refusing to give information or giving false information to answer concerning enrollment a misdemeanor.

Assessor shall report all persons violating this section to the Adjutant General.

Section 7. Any assessor neglecting or refusing faithfully to perform the duties required of him by this Act, or making any false entry upon said rolls, or committing any other fraud therein, shall be guilty of a misdemeanor. Upon the failure of any assessor to make the enrollment of the militia as required by law, the Governor may appoint some person to make it at

Assessor refusing faithfully to perform duties required or making false entries, etc., guilty of a misdemeanor.

When Governor may appoint another person to make enrollment at expense of County.

the expense of the county, and the person so appointed shall have all the powers and be subject to the same duties as are prescribed in the case of assessors.

The active and the reserve militia. Who are the active militia.

Section 8. The Militia shall be divided into two classes, the active militia and the reserve militia. The Active Militia of this State shall consist of the regularly enlisted, organized, and uniformed military forces, who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by Section 1661 of the Revised Statutes of the United States, as amended, and shall be known as the National Guard of Montana. The Reserve Militia shall consist of all those liable to service in the Militia, but not serving in the Active Militia of the State.

National Guards

Reserve Militia.

The Governor is Commander-in-Chief.

Section 9. The Governor is the Commander-in-Chief of the Military forces of the State, except of such portions as may be at times in the service of the United States.

Governor's Staff.

Adjutant General, Chief of Staff.

Section 10. The staff of the Commander-in-Chief shall consist of the Adjutant General, who shall be ex-officio Chief of Staff, and such number of commissioned officers of the National Guard on the Active list, or the retired list, not exceeding five, as he may see fit to appoint as members of his Staff: Provided, that no officer shall be appointed from the retired list who shall have had less than five years of service in the active Militia. Immediately upon their appointment, such officers shall be detailed to serve as members of the Governor's Staff during his pleasure, but such details shall not relieve them, or either of them, from performing the duties of their respective offices.

Who of the retired list may be appointed a commissioned officer.

Immediately upon appointment commissioned officers to be detailed to serve on Governor's staff.

When Governor has power to order any part of the militia into active service of the state.

Section 11. In case of insurrection, invasion, tumult, riot, mob, or body of men acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break or resist the laws of this State, or the United States, or of imminent danger thereof, or in the event of public disaster resulting from flood, conflagration, or tempest, the Governor shall have the power to order into active service of the State any part of the Militia that he may deem proper. And whenever the

Militia of this State or part thereof is called forth under the constitution and laws of the United States, the Governor shall unless the order for the call specifies otherwise, order out for service the Active Militia or such part thereof as may be required: and if the number available be insufficient he shall order out the Reserve Militia or such part as may be necessary.

As soon as the Active Militia of the State of Montana or any part thereof shall have entered the service of the United States, it shall be the duty of the Governor to organize and muster into the service of the State of Montana the same number of companies, battalions or regiments as have been ordered into the Federal service. The organization so mustered into the service of the State of Montana shall be known as the National Guard Reserve and whenever one regiment or more of the National Guard of Montana shall have been mobilized for the Federal service at least one battalion of the National Guard of Montana not in the service of the United States or at least one battalion of the National Guard Reserve shall be designated as a Depot Battalion and shall be used for the purpose of recruiting and training men for service with those organizations theretofore ordered into the Federal service. Whenever any part or parts of the National Guard Reserve shall be mustered into the service of the United States, an equal number of companies, battalions, or regiments shall forthwith be organized and mustered into the National Guard Reserve created by the muster into the Federal service of such organizations. Whenever any portion of the National Guard of this State shall be relieved from duty in the service of the United States, such organization shall resume their former designations as a part of the National Guard of this State, as if they had not been ordered into the Federal Service and the National Guard Reserve organized to take their places shall be mustered out of the service of the State. The designation of organizations called into the service of the United States shall not during such service be given to new organizations.

Section 12. Whenever it shall be necessary to call

When it is the duty of the Governor to order out for active service the active militia.

When the reserve.

Whenever the active militia shall enter the service of the United States the Governor shall muster into service of the State a like number.

The National Guard Reserve.

When at least one battalion of the National Guard of Montana or of the reserve shall be designated as a Depot Battalion.

To be used for recruiting and training men for service.

When part of the reserve is mustered into the service of Federal government a like number of the Reserve shall be organized and mustered into the National Guard Reserve created by the muster.

When relieved from Federal service the National Guard shall resume former designation.

When National Guard Reserve to be mustered out of service.

Organizations to retain designations.

Duties of Governor and Adjutant General in calling in the Reserve to service.

To draft all from the enrolled militia.

How persons drafted to be summoned.

Who shall be deemed a deserter, and how to be dealt with.

Physician issuing to member of militia a false certificate of physical disability.

Shall forever forfeit right to practice as a physician.

Reserved Militia called forth shall be mustered in for three years service or other period prescribed in call.

When called into service of the state.

Organization, equipment and training to be given Reserve when ordered into active service.

into active service the Reserve Militia, or any part thereof, the Governor shall direct his order to the Adjutant General, who, upon receipt thereof must promptly proceed to draft from the enrolled militia a sufficient number of men to satisfy the call, or accept as many volunteers as are required by the Governor. The persons drafted must be summoned by some officer appointed for that purpose by the Adjutant General, in the same manner prescribed by law for the summoning of witnesses in civil cases, the time and place for the rendezvous, as ordered by the Adjutant General, being stated in the summons.

Section 13. Every member of the Active Militia ordered out, and every member of the Reserve Militia who volunteers, or who is drafted and notified thereof, under the provisions of the preceding section, who does not appear at the time and place designated by his commanding officer, or the Adjutant General, within twenty-four hours from such time, or who does not produce from a physician in good standing a sworn certificate of physical disability to so appear, shall be deemed a deserter and dealt with as prescribed in the articles of war of the United States.

Section 14. Whenever any physician shall knowingly make and deliver a false certificate of physical disability concerning any member of the militia who shall have been ordered out or summoned for active service, such physician shall thereby forfeit forever his license and right to practice in this State and shall be deemed guilty of perjury.

Section 15. Whenever any portion of the Reserve Militia is called forth under the constitution and laws of the United States the members thereof shall be immediately mustered into the service for three years, or such other period as the call may prescribe: and whenever any portion of such militia shall be ordered into the service of the State, they shall be mustered into the service for such period, not exceeding three years, as the Governor may direct. Such Reserve Militia, when so ordered into active service shall have, as far as practicable, the same system of organization, equipment, training and discipline as are or may there-

after be prescribed for the National Guard. The Governor shall have the power to appoint the officers for any new organization formed out of the said Reserve Militia; he may, at his discretion, transfer and promote members of the National Guard to the organization thus formed and order into active service for this purpose such retired officers of the National Guard as may be efficient and available and in such manner as he may deem necessary.

Governor has power to appoint the officers of the Reserve called into service, or promote members of the National Guards to the organization, or retired officers thereof.

Section 16. Whenever any portion of the Militia is employed in aid of the civil authorities, the Governor, if in his judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county, city, or town, in which the troops are serving or any specified portion thereof, to be in a state of insurrection.

When the Governor may declare a county, city or town, or portion thereof to be in a state of insurrection.

Section 17. Whenever Reserve Militia or the National Guard, or both, or any number of them or either of them, shall be called forth under the Constitution and Laws of the United States, and the orders for that purpose shall not be issued to or transmitted through the Governor of the State, any officer or officers of the Militia or National Guard receiving such order not so issued or transmitted, shall communicate the same to the Governor as soon as practicable.

Duty of any officer of National Guard or Reserve receiving notice of call into Federal service from the Federal government to notify the governor.

Section 18. Whenever the President shall call forth the National Guard, or any number of them to be employed in the service of the United States, and specifies in his call the period for which service is required, the National Guard, so called, shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President; Provided, that no commissioned officer or enlisted man of the National Guard shall be liable to serve beyond the term of his existing commission or enlistment.

When the President calls forth the National Guards, or a portion thereof they shall continue to serve during term named in call unless sooner relieved by the President.

Section 19. No member of the militia ordered into the active service of the state shall be liable civilly or criminally for any act done, or caused, ordered, or directed to be done, by him in furtherance of and while in performance of his military duties.

Commissioned officer not liable to serve beyond time of existing commission or enlistment.

Member of militia not liable for act done in performance of military duties.

Section 20. The Adjutant General of the State shall

Adjutant General
Rank and posi-
tions held ex-offi-
cio.

have the rank of Brigadier General and shall be in time of peace, Ex-officio, Chief of Staff, Quarter Master General, Chief of Ordinance, and Paymaster General, of the State. For the purpose of establishing the relation between the War Department and the various Staff Departments of the State, he shall be Ex-officio chief of the said departments; and the requisitions, purchases, and issues to be made by the senior officers on duty of certain of said departments, and hereinafter prescribed, shall be made by them pursuant and in obedience to his direction and instruction:

Requisitions, pur-
chases and issues
shall be made by
whom and how.

Other powers and
duties.

1. He shall control the Military Department subordinate only to the Governor and may adopt such methods of administration not inconsistent with the laws, regulations, and customs of the service of the regular army so far as the same may be applicable, as he may deem necessary to render the department efficient. He shall appoint such clerical help as may be necessary and remove the same at his discretion.

December bi-en-
nial report to the
Governor.

2. He shall superintend the preparation of all returns, reports, plans and estimates required of the State by the War Department; and shall biennially on or before the first day of December make a report to the Governor of the strength and condition of the active militia and of the business transactions of the Department, including a detailed statement of expenditures for all military purposes.

3. He shall be responsible for the care, preservation, and repair of all military property belonging or issued to the State for the arming and equipping of the militia, and he shall dispose of all military property of the State found unserviceable after a proper inspection, account for the proceeds thereof, and deposit the same into the State Treasury to the credit of the military fund.

4. He shall turn in, in such manner as the War Department may require, such ordnance, accoutrements and equipments belonging to the United States and receive in substitute therefor such prescribed regulation ordnance and equipment, as may be necessary to conform to the standards required by the laws and regulations of the United States.

5. He shall, under the direction of the Governor, prepare requisitions for, and make purchase and issues of, such military property as is necessary to equip the organizations of the active militia according to the standard that is now or hereafter may be prescribed by the laws and regulations of the United States, except such purchases and issues as hereinafter required to be made by the senior officers on duty in other staff departments; he shall approve the bills of all purchases by whomsoever made and all issues; but no such property shall be issued or otherwise disposed of, to persons or organizations other than those of the active militia and persons of the Reserve Militia called into active service.

6. He shall keep a just and true account of all expenses necessarily incurred, including pay, transportation and subsistence of officers and enlisted men of the militia, and of all military property; and shall render bi-ennially to the Governor a statement in detail showing the disposition of all clothing, ordnance, arms, ammunition, and other military property on hand and issued.

7. Whenever the Adjutant General is absent from the State or is unable from any cause to perform his duties, the Governor shall during his absence or disability designate an officer of the Active Militia present for duty in the State to perform the duties of the Adjutant General. Such acting Adjutant General shall serve without pay.

8. The Adjutant General shall give a bond to the State in the sum of ten thousand (\$10,000.00) Dollars, conditioned on the faithful performance of his duties as herein prescribed; and the costs and expenses incurred by entering into such bond shall be paid out of any moneys appropriated for the maintenance of the National Guard.

9. Whenever the Adjutant General shall be required to furnish any bond to the United States Government for the faithful performance of any duty imposed upon him in the disbursing of funds allotted to the State under Section 1661, as amended, of the Revised Statutes of the United States, the cost and expense incurred by entering into such bond shall be paid out

of any moneys appropriated for the maintenance of the National Guard.

10. The Adjutant General shall receive a salary of One Thousand eight hundred (\$1800.00) Dollars per annum and he shall be allowed for all necessary office and traveling expenses the sum of Six Hundred (\$600.00) Dollars annually, which shall also be payment in full for all services rendered by him under this or any other law of the State; and the same shall be audited and paid in the same manner as salaries and expenses of other State Officers are paid.

Inspector General:
rank and duties.

Section 21. There shall be an Inspector General with the rank of Colonel, who shall make an inspection of every organization of the National Guard between the first of March and the thirtieth day of May in each year. He shall notify the commanders of the respective organizations the hour and places at which they shall assemble for such inspection, and shall make a detailed report on the armories, property, books, records, financial conditions of the various organizations of the Active Militia, and such other inspections as the Adjutant General may direct or the law may require, and forward same to the Adjutant General and if, after examination by him of the muster roll and the report of the inspecting officer, each company, troop or battery is fully up to the required standard of numbers, discipline and efficiency, the Adjutant General shall so report to the State Board of Examiners, this Board must on receipt of the report of the Adjutant General allow each company annually the sum of Six Hundred (\$600.00) Dollars, and for each man additional to the minimum strength as required by the War Department, who may have been present at the annual inspection and the last camp of instruction five dollars extra; and to each troop or battery, Nine Hundred Dollars, with five dollars extra for every man additional as above; each sanitary company Three Hundred Dollars; each regimental headquarters Three Hundred Dollars; each battalion headquarters One Hundred Dollars; each regimental band Three Hundred Dollars; such Board must order the State Auditor

Adjutant General:
to report what to
State Board of
Examiners.

Annual allowance
to be made by
State Board of
Examiners.

Other allowances.

To order State
Auditor to draw
warrants.

to draw a warrant on the State Treasurer in favor of the commander of each regiment, battalion, company, troop, battery, and sanitary corps for the sum above stated.

Section 22. The commanding officer of each regiment, battalion, company, troop, battery, and sanitary corps, and each regimental Adjutant, must at each annual inspection return in duplicate to the Inspector General or inspecting officer an itemized account and statement of all public property and of all disbursements of the money appropriated during the preceding year by said regimental headquarters, battalion headquarters, regimental band, company, troop, battery and sanitary corps, which account and statement must be verified by the oath of the commanding officer and must be accompanied by the proper vouchers of such disbursement, and return shall be certified to by the inspecting officer and forwarded by him with his report to the Adjutant General.

Duplicate itemized accounts and statements to be made by commanding officers at annual inspection to the Inspector General.

Accounts to be verified, accompanying vouchers and certification by inspecting officer.

Section 23. When a company, troop or battery is disbanded or mustered out, all property and money in the treasury of such company, troop or battery must revert to the military fund of the State.

Property of Company, troops or battery mustered out.

Section 24. There shall be a Quarter Master General's Department which shall consist of one Quarter Master General with the rank of Colonel whose duties shall correspond with those prescribed for a similar officer by the regulations of the War Department; if so ordered by the Commander-in-Chief there shall be an Assistant Quarter Master General with the rank of Captain. There shall also be one military storekeeper with the rank of Captain who shall be paid a salary of Twelve Hundred (\$1200.00) Dollars per annum.

Quartermaster General's Department.

Assistant Quartermaster General.

Military Storekeeper.

Salary of.

Section 25. The senior officer on duty with the Ordnance Department shall have the rank of Major, and shall from time to time submit to the Adjutant General requisitions for all ordnance property, equipment, and accoutrements, and all range and target material, which requisition when approved by the Adjutant General, and submitted to and signed by the Governor shall if they be for material issued to the State by the Ordnance Department be forwarded to

Rank of senior officer of Ordnance Department.

Requisitions.

When senior ordnance officer shall make ordnance purchases.

Other duties.

Reports to the Adjutant General.

Rank of senior Surgeon.

Duties.

Detailed report to be made to the Adjutant General.

that department for supply, and if they be for material not so issued, then by the direction of the Adjutant General and in the manner prescribed in Section 32, the senior ordnance officer shall purchase and direct the issue of such ordnance property and range material, certify all bills therefor as correct, and submit them to the Adjutant General. He shall, when required, or whenever he deems it necessary, report to the Adjutant General upon the condition of the ordnance, arms, and accoutrements on hand or issued to the National Guard; he shall point out all deficiencies and, so far as he is vested with authority, he shall be responsible that all organizations are armed and equipped as prescribed or as may hereafter be prescribed by the War Department, and when so ordered by the Adjutant General, it shall be his duty to make or cause to be made by the regimental inspector of small arms practice an annual inspection of all target ranges and shooting galleries used by the National Guard, to submit a report to the Adjutant General of the conditions and necessities of each and to make a detailed report of the transactions of his office to the Adjutant General on the fifteenth day of November annually.

Section 26. The senior surgeon on duty in the medical corps shall have the rank of Colonel, and under the direction of the Adjutant General and in the manner prescribed in Section 32 shall purchase and direct the issue of all medical supplies and equipment, certify all bills therefor as correct and transmit them to the Adjutant General. It shall be his duty to make or cause to be made by any officer of the medical corps an annual inspection and inventory of the stock of medical supplies on hand at general headquarters, to make a list of the articles and qualities needed to equip the National Guard and in the manner prescribed by the War Department and submit the same to the Adjutant General for authority to supply the same: and he shall make to the Adjutant General a detailed report of the transactions of his office and of the condition and quantity of medical supplies on hand, on the fifteenth day of November annually.

Section 27. The senior office on duty in the Subsistence Department shall have the rank of Major and shall, under the direction of the Adjutant General purchase and issue in the manner described in Section 32, all subsistence stores and property, certify all bills therefor as correct and transmit them to the Adjutant General; he shall make a detailed report of the transactions of his office to the Adjutant General on the fifteenth day of November annually.

Rank of senior officer in Subsistence Department and his duties.

To make detailed reports to Adjutant General.

Section 28. The Judge Advocate shall be appointed by the Governor, with the rank of Major; he shall be an attorney at law of the Supreme Court of this State, of at least five years' standing. He shall be, under the direction of the Governor, charged with the supervision of all things relating to the administration of justice in the military courts of this State; he shall diligently scrutinize and examine the proceedings of all courts martial and courts of inquiry which are submitted to him for review and report thereon to the Adjutant General; he shall when directed act as judge advocate or recorder of any military court or board; he shall be the legal advisor of the military department and to him may be referred for supervision all contracts, agreements or other instruments to be drawn or executed in the course of the business thereof.

Judge Advocate to be appointed by the Governor.

Qualifications.

Duties.

He shall make detailed report of the transactions of his office to the Adjutant General on the fifteenth day of November annually.

Reports to be made to the Adjutant General.

Section 29. The Attorney General of the State shall be the legal advisor of the Adjutant General.

Attorney General the legal advisor of the Adjutant General.

Section 30. In time of war, insurrection, invasion or rebellion, or of immediate danger thereof, the Governor may appoint such staff officers and create such chiefs of such staff departments as may be necessary to provide for an increased active militia or to fill the vacancies caused by absence in active service, or for both purposes; Provided, that appointments in staff departments or corps shall be made from officers of the existing staff departments or corps as promotions so far as such officers are available; Providing, also, that promotion in each staff department or corps and appointments to fill vacancies thus created shall be

Staff officers and chief of departments may be appointed by the Governor in time of war, insurrection, invasion and rebellion.

Such appointment to be made from among whom.

Promotions, how made.

Additional staff departments in time of peace.

made as hereinafter provided. Providing further that in time of peace whenever the formation of the active militia shall require it, the Governor may organize such additional staff departments as are thereby made necessary.

What duties shall be performed by all staff department and corps officers.

Section 31. Officers of all staff departments and corps shall perform the duties required of them by law, and such others not inconsistent with the laws of the state as correspond to those which are now or may hereafter be required, of the corresponding staff department or corps of the regular army by the customs of the service, the orders of the War Department, and the laws and regulations of the United States.

Purchases not exceeding one hundred dollars in value.

Section 32. Purchases of military property not exceeding one hundred dollars in value may be made in such manner as the purchasing officer may deem best.

Not exceeding five hundred dollars.

For other purchases not exceeding five hundred dollars, the purchasing officer shall procure written proposals from at least two parties.

Public advertisements for purchases exceeding five hundred dollars.

For purchases exceeding five hundred dollars in value the purchasing officer shall publicly advertise, for not less than ten days, for sealed proposals, to be opened at the place, day and hour designated in such advertisement.

Bids and certified checks.

All bids must be accompanied with a certified check for ten per centum of the amount of the bid; and he may require the persons contracting to give bond in such sum and surety as he may direct, conditioned on faithful performance, in default of which, such bond shall be prosecuted by the Attorney General, and all moneys recovered turned into the State Treasury for the benefit of the military fund; provided, that in case of emergency occasioned by war, invasion, riot, insurrection, resistance to the law, or imminent danger thereof, or by flood, conflagration, or tempest, the Governor may direct that such property as may be urgently required be purchased in open market. Providing, also, that the right is reserved to reject any or all bids.

Bond of contractor.

Section 33. No officer herein authorized to make purchase or sales of military property shall be concerned, directly or indirectly, in the purchase or sale of any such property, except for and on account of the

In case of default by contractor.

Section 34. No officer herein authorized to make purchase or sales of military property shall be concerned, directly or indirectly, in the purchase or sale of any such property, except for and on account of the

Purchases in cases of emergency.

Section 35. No officer herein authorized to make purchase or sales of military property shall be concerned, directly or indirectly, in the purchase or sale of any such property, except for and on account of the

Purchasing and selling officer not to be in any way instructed in such transactions.

Section 36. No officer herein authorized to make purchase or sales of military property shall be concerned, directly or indirectly, in the purchase or sale of any such property, except for and on account of the

State; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business of his office other than what is allowed by law.

Not to enjoy any gain or emoluments.

Section 34. All property purchased under the authority herein granted shall be inspected and no payments shall be made therefor until it shall appear by the certificate of the inspecting officer that the property is of the kind and quality specified in the agreement.

No property purchased to be paid for until when.

Section 35. No officer or enlisted man shall contract or presume to authorize the contracting of any indebtedness on behalf of the state, unless especially authorized to do so by this code or by the express order of the Governor, and any person in military service who shall violate the provisions of this section shall be dishonorably discharged, and suffer such other punishment as a court martial shall direct.

No indebtedness on the part of the state to be contracted except by whom.

Punishment for violations of this section.

Section 36. The National Guard of the state shall consist of the necessary staff departments, a medical corps, the commissioned officers heretofore or hereafter retired, the organizations which have and which are now forming the National Guard at this date, and such others as may be organized hereafter and such persons as are or may be enlisted and commissioned therein. The commander-in-chief shall have the power to alter, divide, consolidate, disband or re-organize any organization or corps and create new organizations and corps whenever required by the provisions of this act, or whenever in his judgment the efficiency of the state forces shall be thereby increased, and he shall have power and it shall be his duty to change the organization of the state forces so as to conform to any organization, system of drill or instruction now or hereafter prescribed by the laws and regulations of the United States for the organization and government of the militia; and for that purpose the number of officers and non commissioned officers of any grade may be increased or diminished, or the grades may be altered, whenever necessary to secure such uniformity. Whenever the National Guard is organized, by order of the commander-in-chief, into a brigade,

The National Guard of the State shall consist of whom.

Powers of the commander-in-chief regarding the organization of the National Guard.

Further powers and duties regarding same.

When a Brigadier General shall be selected.

a Brigadier General shall be selected as prescribed in Section 49 to command the same.

New organizations

Section 37. New organizations may be raised on petition to the Governor, or by his orders; and when the minimum number of persons required by law shall have been mustered in they shall proceed at such meetings to elect by ballot, under the superintendence of the mustering officer, the several officers required by law, and a majority shall be necessary to a choice.

When and how officers shall be elected.

After such election the name and rank of such officers shall be entered upon the muster roll, and the mustering officer shall certify and forward the same together with a copy of the proceedings and notice of such meeting to the Adjutant General. If it shall appear that such organization shall have been perfected and such officers elected according to law, and the Governor shall approve such organization and officers, such company shall be enrolled as part of the National Guard and the officer commissioned. If he disapproves of any officers so elected he may direct other meeting or meetings to elect others instead.

Entering name and rank of elected officers on muster roll and certifying same to the Adjutant General.

When new company to be enrolled and officers commissioned.

Whenever the Governor shall have authority to appoint officers of the line, he may raise new organizations and appoint the officers thereof whenever and in such manner as he may deem best for the good of the service.

If Governor disapproves of any officer elected.

When Governor may appoint officers of the line.

Section 38. The aggregate forces of the active militia in time of peace, fully armed, uniformed, and equipped shall not exceed five thousand men; but in case of war, insurrection, invasion, or rebellion, or imminent danger thereof, the Governor shall have power to increase the forces beyond the said five thousand and organize them as is required by law.

In time of peace the militia shall not exceed five thousand men.

Section 39. The organization, armament, and discipline of the National Guard of this state and of the military units thereof shall be the same as that which is now or may hereafter be prescribed or provided by the laws and regulations of the United States for the organized militia; and the commander-in-chief is hereby authorized and it shall be his duty to issue and prescribe from time to time such orders and regulations, and to adopt such other means of administration.

When the Governor shall have power to increase the force beyond that number.

The National Guard of the state to be organized, armed and disciplined in accordance with what standard.

Power of Commander-in-chief regarding.

as shall maintain the prescribed standard of organization, armament and discipline; and it shall be the further duty of the commander-in-chief to prescribe such regulations and to adopt such methods of administration, for the care, preservation, disposition of and accountability for all military property issued to the active militia and belonging to the United States; for procuring, disbursing, and accounting for all military funds allotted to the state; for arming, equipping, and supplying the active militia; and for arranging for such camps of instruction, field service, and rifle practice as shall meet the requirements that are now or may hereafter be prescribed by the laws and regulations of the United States. And such orders, regulations, and means adopted shall have the full force and effect of the law.

Further duty of the Commander-in-Chief regarding all military property belonging to and issued by the United States, and in issuing orders and regulations.

Force and effect of such.

Section 40. The regiments and all other military units of the National Guard shall, when so ordered by the Governor, constitute a brigade, which shall be commanded by a Brigadier General, or, in case of his absence or disability, by the senior line officer of the National Guard. The staff of the Brigade commander shall consist of one surgeon, one Adjutant General, one Ordnance Officer, one Commissary, one Quartermaster and one Judge Advocate, Majors; and two aides, Lieutenants, detailed from the National Guard. In addition to the above the Governor may, upon the recommendation of the Brigade Commander, detail from the National Guard for duty on the Brigade staff such other officers as may be necessary, but no officer shall be so detailed except to a position authorized by the orders of the War Department or by the laws and regulations governing the regular army or the organized militia.

Brigade to be composed of what and to be commanded by what officer

Staff of Brigade Commander to consist of whom.

What addition the Governor may detail thereon and when.

Section 41. There shall also be the following departments: a Pay Department, a Chief Paymaster, Major; a corps of engineers, a Chief Engineer, Major; a signal corps, a Chief Officer, Captain, and a Medical Corps organized as prescribed in the following section.

Departments.

Section 42. That from and after the approval of this act the medical department of the National Guard

Medical Department.

shall consist of a medical corps, a medical reserve corps and the hospital corps. The medical corps shall consist of the officers necessary for the staff department, for service with the regiment, separate battalions and artillery corps of the National Guard and for the organization of such ambulance companies, field hospitals, and supply depots, as may be authorized or required as the proper complement for the National Guard by the orders of the War Department, or the laws and regulations of the United States governing the organized militia; and such officers shall have the same title as those of the corresponding grades in the United States Army, and shall be of the same grades and numbers as are authorized or prescribed by the laws and regulations of the United States for service with the corresponding organizations of the regular army, or as authorized or prescribed by the said laws and regulations or orders of the War Department for the government of the organized militia. Immediately following the approval of this act officers of the medical department then on the active list shall be recommissioned in the corresponding grades in the medical corps established by this act in the order of seniority as follows; Surgeons with the rank of Major as Majors, Medical Corps; Assistant Surgeons with the rank of Captain as Captains, Medical Corps; Assistant Surgeons with rank of First Lieutenant as First Lieutenants, Medical Corps. All promotions in the Medical Corps to fill vacancies in the several grades created or caused by this act or hereafter occurring, shall be made according to seniority and no persons shall receive an appointment in the Medical Corps unless he shall have been examined and approved by the Medical Board of the National Guard as hereinafter prescribed.

Section 43. For the purpose of securing competent medical practitioners to conduct the physical examination of applicants for enlistment and to render medical service to any organization called out by the Governor to suppress insurrection, riot, or resistance to the laws, the Governor of the state is authorized to issue commissions as First Lieutenants of the Medical Re-

Medical corps to consist of.

Title of officers of Medical Corps.

Recommissioning of officers of the Medical Corps.

Surgeons, rank.

Assistant Surgeons, rank.

How promotions to be made in Medical Corps.

Examination by the Medical Board.

Governor authorized to issue commissions to contract physicians with rank of first lieutenant of the Medical Reserve Corps, when.

serve Corps to such contract surgeons as shall be favorably recommended by the senior officer of the Medical Corps, not to exceed one for each company or other organization so situated that the services of an officer of the Medical Corps cannot be effectually available. Such officers are not members of the National Guard nor entitled to retirement, but the commissions so given shall confer upon the holder all the authority, rights and privileges of commissioned officers of like grade in the Medical Corps of the National Guard, except promotion, but only when engaged in active duty as examining surgeon of recruits or in rendering services to any command in which they may be attached in time of insurrection, riot, or resistance to the law. They shall have rank in said corps according to the date of their commissions therein, and when employed on active duty shall rank next below all officers of like grade in the National Guard; Provided, that contract surgeons now in the military service who receive the favorable recommendation of the company commanders at the station where such contract surgeons reside and of the senior officer of the Medical Corps, shall be given preference in appointment over all other applicants; and provided further, that any officer of the Medical Reserve Corps who fails to perform his duty as herein prescribed shall forfeit his commission and not be eligible to reappointment. Officers of the Medical Reserve Corps when called into or engaged in active duty shall be subject to the laws, regulations, and orders for the government of the National Guard; and for conducting the physical examination of applicants for enlistment shall be entitled to such compensation as the Governor in regulations may prescribe, and for all other services to the pay and allowance as First Lieutenants of the Medical Corps.

Section 44. The Hospital Corps shall consist of the Sergeants First Class, Sergeants, Corporals, Private First Class and Privates, required for service with the several organizations of the National Guard, Ambulance Companies, or Field Hospitals; and such non-commissioned officers and privates shall be of the same grade

Such officers not members of the National Guard nor entitled to retirement.

Authority, rights and privileges, when.

Rank.

Preference in appointment.
Penalty of officer of Medical Reserve Corps for non-performance of duty.

Subject to laws, regulations and orders.

Compensation.

Hospital Corps shall consist of whom.

Grade and number of non-commissioned officers and privates.

and numbers as are authorized or prescribed for service with the corresponding organizations of the regular army or as authorized or prescribed by the orders of the War Department, or laws and regulations of the United States for the Government of the Organized Militia.

Enlistment and appointments in the Hospital Corps.

Section 45. Enlistments in the Hospital Corps and the appointment of non-commissioned officers therein shall be as prescribed in regulations by the Governor.

All officers are to be commissioned by the Governor.

Section 46. All officers shall be commissioned by the Governor at his discretion, but no one shall be commissioned unless the conditions and qualifications set forth in the following sections have been complied with, and no one shall be recognized as an officer unless he shall have been duly commissioned and shall have taken the constitutional oath of office, which shall be in form as follows:

Who shall be commissioned.

Oath of officers.

I, ..., do solemnly swear that I will support the constitution of the United States and the constitution and laws of the State of Montana, and bear true faith and allegiance to the same, and that I will yield a prompt obedience to all orders and instructions from my superior officers, and to all laws and regulations promulgated for the organization, government and discipline of the National Guard of Montana, So help me God.

Subscribed and sworn to

before me this day of, ... 19.....

Oath may be administered by whom.

.....

.....

Title of Officer.

Such oath shall be taken and subscribed before an officer authorized by law to administer an oath, or some general or field officer or an officer who shall hold the assimilated grade of a field officer, who has taken the oath himself and who is hereby authorized to administer the same.

Acceptance of a commission deemed a resignation of all other commissions held by the person.

Commissioning to higher grades regulated by laws and rules of Federal army.

The acceptance of a commission in the militia of this State shall be deemed a resignation by the person accepting the same of all other commissions held by him in such militia. In no case shall an officer in the active militia be commissioned to a higher grade than that prescribed for the corresponding command.

by the laws and regulations for the government of the regular army of the United States or of the organized militia.

Section 47. Commissioned officers must be citizens of the United States and twentyone years of age or over. No person who has been expelled or dishonorably discharged from any military or naval organization of this or any other state or of the United States shall be commissioned, and no person shall be commissioned unless he shall possess the additional requirements prescribed in this Act for the particular office to which he is to be commissioned; providing that in time of war, insurrection, invasion, rebellion, or immediate danger thereof, the Governor shall have the power to fill any vacancy in any field grade by the appointment thereof of any officer on the active list of the army of the United States.

Section 48. Rank and precedence of officers and non-commissioned officers of the National Guard of this State, the power of command and the commands appropriate to each grade, shall be as determined by the laws and regulations for the government of the regular army of the United States.

Section 49. Vacancies in the grade of Brigadier General shall be filled by promoting the senior Colonel; vacancies in the field grades of regiments and corps by promoting the senior officer of the regiment or corps of the next lower grade; vacancies in the grade of Captain and Lieutenant by promoting the senior officer of the company of the next lower grade. Subject in each case to examination as prescribed in Section 55. Vacancies in the grade of Second Lieutenant shall be filled in the following manner: An election shall be ordered by the Adjutant General and the successful candidate shall be ordered to appear before the Examining Board, and if found qualified, both physically and mentally, shall be commissioned. Should the candidate be found deficient, a new election shall be ordered and the same procedure gone through.

Every officer duly commissioned shall within ten days accept the same and take the constitutional oath of office; such oath may be taken and subscribed before any officer authorized by law to administer an oath

Qualifications of commissioned officers.

Persons having been expelled or dishonorably discharged from any military organization not to be commissioned, or lacking prescribed qualifications.

Provided, in time of war, insurrection, invasion or rebellion.

Laws and regulations of the Federal Army to determine rank and precedence of officers of the National Guard.

How vacancies in grade of Brigadier General to be filled.

Other vacancies. Elections to be ordered by the Adjutant General.

When commission shall be accepted and oath taken, and before whom.

When commission shall be cancelled and new election ordered.

or before any military officer who has taken the oath himself; and in case of neglect or refusal to accept the commission or to take and subscribe the oath within the time mentioned, such commission shall be cancelled by the Governor, and a new election ordered or appointment made to fill the vacancy.

Prescribing the age limits to certain appointments.

Section 50. No person shall be elected, appointed or commissioned to any of the following grades, who is over the age limit prescribed for each of the several grades, namely, Brigadier General, sixty-four years; Colonel and Lieutenant Colonel, sixty-one years; Major, fifty-six years; Captain, fifty years; First Lieutenant, forty-five years and Second Lieutenant, forty years.

Officers reaching the age limit.

Limitation of section.

Any officer who shall, while serving in any of the above grades, reach the age limit prescribed for said grades, shall in time of peace, if eligible, be retired; otherwise, honorably discharged. This section shall not apply to the Adjutant General of the State of Montana, and shall not serve to vacate any commission now in force; nor shall it apply to Chaplains of the National Guard.

Vacancies in staff departments and corps, how filled.

Section 51. Vacancies occurring in the various grades, except the lowest, of the several staff departments and corps, shall be filled by promoting and appointing the senior officer in the next lower grade of said department or corps. Vacancies occurring in the lowest grades thereof shall be filled in the following manner:

Vacancies in Hospital corps and Medical Reserve Corps.

In the medical department all commissioned officers of the National Guard, all non-commissioned officers in the Hospital Corps, and all officers of the Medical Reserve Corps who are active licensed practitioners of medicine and surgery in this state of at least five years standing as such, and who are physically sound shall be permitted to appear before a board of examination consisting of officers of the medical department, and the applicant whom the board considers, after professional and general examination, to be the best qualified for the position shall be appointed to fill the vacancy.

Vacancies in the Ordnance Department.

In the Ordnance Department, the vacancy shall be filled by promoting thereto, in order of seniority, the Regimental Assistant Inspector of Small Arms Practice in the Subsistence Department, by promoting

thereto, in order of seniority, the Regimental Commissary; subject in each case to examination as prescribed in Section 55, and if, for any reason, a vacancy occurring in the lowest grade of any said departments be not filled by this method of promotion, then the Governor may fill such vacancies in such manner as he deems best.

Regimental Assistant Inspector of small arms practice.

Commanding officers of Brigades, Regiments, and Separate Battalions shall appoint their respective staff officers subject to the provisions of Section 43, 44, 50 and 51 of this Act, who shall hold office during the pleasure of the officer making the appointment and until their successors are appointed and qualified, subject at all times to the same laws and regulations as apply to other commissioned officers of the National Guard.

Commanding officers of Brigades, Regiments and Separate Battalions to appoint their staff officers subject to what sections.

Terms of such officers.

Battalion Staff Officers are appointed by the Regimental Commanders upon recommendation of the Battalion Commanders.

Battalion staff officers.

Section 52. The Governor is authorized to appoint, upon the recommendation of the several regimental commanders, Chaplains in the National Guard at the rate of one for each regiment, with the rank of Captain; no person shall hereafter be appointed a Chaplain who is more than fifty-five years of age, and until he has furnished proof that he is a regularly ordained minister of some religious denomination in good standing.

Chaplains to be appointed by whom.

Rank and qualifications.

Section 53. The Governor may prescribe a system of examination to determine the enlisted men best qualified for appointment to the grade of Second Lieutenant as prescribed in Section 46, and the best qualified applicant for appointment to the lowest grade in the Medical Corps as prescribed in Section 48.

Examination for the grade of second lieutenant.

Section 54. The Governor shall prescribe a system of examination to determine the fitness for commission consequent on an original appointment or election of all persons, other than those provided for in the preceding section; and no person shall be commissioned consequent upon an original appointment or election until he shall have passed a satisfactory examination as to his physical, moral, educational, and general fit-

System of Examinations for appointment or election to other commissioned offices.

No person to be appointed until he shall have passed a successful examination.

System of examination for all active militia below grade of lieutenant colonel.

When examination to be conducted.

Exception.

When promotion of officer next below in grade may be made.

When to order another election.

When officer is to be retired with rank which his seniority entitles him to.

When he fails in examination for any other reason.

Failing the second time.

When to be discharged for the good of the service.

Examination for Judge Advocate and Chaplain.

Power of Board of Examiners.

ness for the service.

Section 55. The Governor shall prescribe a system of examination of all officers of the active militia below the grade of Lieutenant Colonel to determine their physical, moral, professional and general fitness for promotion or for appointment other than the first, such examination is to be conducted, if practicable, at such time anterior to the accruing of the right to promotion or to the issuance of the commission as may be best for the interests of the service; provided, that the Governor may waive the examination for promotion or appointment in any grade in the case of any officer who in pursuance of existing laws has passed a satisfactory examination for such grade prior to the passage of this Act, and provided that if any officer fails to pass a satisfactory examination and is reported unfit for promotion or appointment, the officer next below him in rank or standing next in the line of promotion, having passed said examination, shall receive the promotion, or if the office is elective the Governor shall order another election; and provided that should the officer be found incapacitated for service by reason of physical disability he shall be retired with rank to which his seniority entitles him to be promoted, and should he fail for any other reason, other than moral fitness, he shall be suspended from promotion or appointment to any office in the active militia for one year, and should he fail the second time to pass such examination he shall be honorably discharged, but should he be found lacking in moral fitness, he shall, if the Governor approve of such findings, be discharged for the good of the service; provided also that the examination into the professional fitness of a Judge Advocate and a Chaplain shall extend no farther than to the special qualifications required of them. The board of examination under this and the two preceding sections shall have the same power to take evidence, administer oaths, and compel witnesses to attend and testify and produce books and papers and punish their failure to do so, as is possessed by a general court martial.

Section 56. The Governor may, upon the recommendation of his commanding officer, confer a brevet commission of a grade next higher than that actually held by the officer so recommended, upon any officer of the National Guard in active service, for distinguished gallantry. Such commission shall carry with them only such privileges or rights as are allowed in like cases in the military and naval services of the United States.

When Governor may confer a brevet commission for distinguished gallantry.

Section 57. Any officer who shall reach the age limit prescribed in Section 50 or who shall fail in a second examination as prescribed in Section 55, or who shall be rendered surplus by reduction or disbandment of his organization in any manner provided for in this Act, or who accepts an appointment in the Army, Navy or Marine Corps of the United States, or who tenders his resignation and the same having been accepted, shall if in case he is eligible be placed on the Retired List otherwise shall receive an honorable discharge, providing he shall not be under arrest or returned to a military Court for any deficiency or delinquency and providing he be not indebted to the state in any manner and that all his accounts for money and public property be correct.

When an officer shall be placed upon the retired list.

Proviso.

Section 58. Any officer who shall be found lacking in moral fitness under the provisions of Section 52, or who shall be discharged under the provisions of Section 57, or who being under arrest or returned to a military court for any deficiency or delinquency, or who after being notified fails or refuses to liquidate his indebtedness to the state, or to render correct accounts of public funds or property entrusted to his care, tenders his resignation, and the same being accepted, shall be discharged for the good of the service, and any officer so discharged, shall not again be eligible to receive a commission.

When delinquent officer shall be retired for the good of the service.

Not again eligible for a commission.

Section 59. Any officer who is sixty-four years old, or who is found incapacitated for service by reason of physical disability under the provisions of Section 55, or who shall while serving in any grade reach the age limit prescribed for that grade in Section 47 and be eligible for retirement due to the length of service or

Retired list.

Officers who shall be retired from active service and placed on the retired list.

other cause specified in this section, shall be withdrawn from active service and placed on the retired list.

Officers who have served twenty-five years, or are sixty years old.

Any officer who has served twenty-five years as a commissioned officer in the active militia of this state, or who is sixty years old, may be, by order of the commander in chief, withdrawn from the active service and placed on the retired list.

Officers who shall upon application, be placed upon the retired list with highest grade held by him.

Any officer who has served as a commissioned officer in the active militia of this state six consecutive years, or as such nine years not necessarily consecutive, or nine years either as an officer or soldier in which shall be counted honest and faithful service in the military or naval service of the United States, or both, provided six years of which have been service as a commissioned officer in the active militia of the state, shall, if he make application, be placed on the retired list with the highest rank held by him during his service.

To be retired with one grade higher rank than held at any time.

Any officer who has served as a commissioned officer in the active militia of this state for a continuous period of fifteen years; honorable service in war, to be counted double, may at his own request be placed upon the retired list with one grade higher rank than that held at the time of his retirement.

Rights, privileges and obligation of retired officers.

Retired officers shall be entitled to wear the uniform of the rank in which they were retired; they shall continue to be borne on the National Guard Register, shall be subject to military law, and may, in the discretion of the Governor, be assigned to active duty in time of war, insurrection, invasion, or immediate danger thereof.

Disabled officers.

Section 60. Any officer who has become or who shall hereafter become disabled and thereby incapable of performing the duties of his office shall be withdrawn from active service and placed on the retired list; and any commissioned officer who has become or who shall hereafter become unfit or incompetent, and thereby incapable of performing the duties of his office, shall upon the recommendation of his commanding officer or of an inspecting officer, be discharged or, if eligible thereto, retired, in the discretion of the commander-in-chief. Such retirement or discharge shall be

When commissioned officer, becoming incapacitated, may be retired or discharged.

by order of the commander-in-chief, who, before making such order, shall convene a board of not less than five commissioned officers, one of whom shall be an officer of the medical corps, who before entering upon the discharge of their duties shall be sworn to an honest and impartial performance of the same, whose duty it shall be to determine the facts as to the nature and cause of incapacity of such officer as appears disabled or unfit or incompetent, from any cause, to perform military duty and whose case shall be referred to it. The board excepting the officer or officers of the medical corps shall be composed, as far as may be, of seniors in rank to the officer whose incapacity is inquired of; it shall be invested with the powers of courts martial and courts of inquiry, and whenever it finds an officer incapacitated for active service, it shall report such fact to the Governor stating the cause of incapacity, whether from disability, unfitness, or incompetency, and if he approve such finding such officer shall be placed on the retired list, or discharged, as provided in this Act; provided that it shall not be necessary to convene a board for action on any case arising under this section, unless the officer designated to be placed on the retired list or discharged shall, within twenty days after being notified that he will be so retired or discharged, serve on the Adjutant General of the State, a notice in writing that he demands a hearing and examination before such board; and providing that no officer shall be so retired or discharged without having had a full and fair hearing before the board if upon due notice he shall demand it. Provided, further, that the commander-in-chief shall whenever he may deem the good of the service requires it, order any commissioned officer before a board of examination constituted as above, and the board shall examine into the moral character, capacity, and general fitness for the service of such commissioned officers, and record and return the testimony taken and a record of its proceedings, and if the findings of such board be unfavorable to such officer, and be approved by the Governor, he shall be discharged for the good of the service. Failure to appear when ordered before a board constituted

Retirement or discharge to be upon whose order.

Proceedings before issuing order.

Duty of board appointed to determine cause of incapacity.

Board to be composed of whom.

Invested with power of courts martial and of inquiry.

Report to the Governor of cause of incapacity.

Not necessary to convene board unless officer to be retired or discharged demands a hearing and examination.

Officer must have a full and fair hearing.

Commander-in-Chief can order any commissioned officer before an examining board when.

To record and return the testimony and a record of its proceedings.

When officer to be discharged.

Failure to appear.

under this section shall be sufficient ground for finding by such board and the officer ordered to appear be so discharged.

Discharge for ab-
sence without
leave.

Section 61. Any officer who shall have been absent without leave for a period of three months shall upon the recommendation of his immediate commanding officer be discharged from the service by order of the commander-in-chief.

Officer not to be
removed from of-
fice except how
and when.

Section 62. No officer shall be removed from office without his consent, except by the sentence of a general court martial or as provided in this Act.

Recruits: quali-
fications of.

Section 63. Recruits enlisting in the active militia must be able bodied men, free from disease, of good character and temperate habits, between the ages of eighteen and forty-five years, except that men may be enlisted as musicians if more than sixteen years of age; and in time of peace no person who is not a citizen of the United States and of this state, or who has not made legal declaration of his intentions to become a citizen or who cannot speak, read, and write the English language or who does not reside within a town where an organization of the organized militia is stationed, or within a radius of twenty miles, shall be enlisted in the active militia; provided that the character and the standard of the physical examination required for enlistment in the National Guard shall be prescribed in the regulations of the War Department and the laws of the United States for the government of the organized militia, and provided that no person under the age of twenty-one years, having parents or guardian entitled to his custody shall be enlisted or mustered into the active militia of the state without the written consent of such parent or guardian.

Excepting musi-
cians.

Proviso as to phy-
sical examination.

Written consent
of parents or
guardians of
minors must be
had before enlist-
ment.

Persons who shall
not be enlisted in
the active militia.

No person not of the age specified above, no insane or intoxicated person, no deserter from the military or naval service of the United States, or of this or any other state, and no person who has been convicted of a felony shall be enlisted in the active militia.

Form of enlist-
ment.

Persons who shall
not be re-enlisted.

Hereafter all enlistments in the active militia shall be for a term of not less than three years, and no person shall again be enlisted whose service during the last enlistment in the active militia was not honest and

faithful, or who has been dishonorably discharged or discharged without honor from any military or naval organization of the state or of the United States, unless he produces the written consent to such enlistment of the commanding officer of the organization in which he last served or from which he was dishonorably discharged or discharged without honor, and unless such enlistment be approved by the Adjutant General.

Exception.

Men who have been discharged by reason of disbandment may be enlisted and shall then receive credit for the period served at the time of disbandment; and a man discharged for physical disability shall if such disability cease and he again enlists, receive credit for the period served prior to such discharge.

Enlistment of men discharged by reason of disbandment and credit for time service.

Chief and Principal Musicians, musicians and privates of the Hospital Corps may be enlisted as such.

Musicians.

Section 64. When a soldier re-enlists within sixty days from the expiration of his last preceding enlistment, his services shall be considered as continuous and the re-enlistment shall be dated as of the day following such expiration; and when the term of service of any enlisted man expires during a period of furlough or while he is serving in the military or naval forces of the United States, should he re-enlist in the active militia within sixty days of his muster out of the service of the United States, his service shall be considered as continuous, and shall in like manner commence on the day following such expiration, and the re-enlistment shall be dated as of the day following such expiration.

When services of re-enlisted men to be considered so continuous, and date of re-enlistment.

Other instances in which the services of re-enlisted men shall be considered continuous.

No man of forty-five years of age or over shall be re-enlisted unless he has served the full period of his last preceding enlistment, has the permission of the commanding officer of the organization in which he desires to enlist, and of the Adjutant General, and has passed the physical examination prescribed by regulations; nor shall such man be again re-enlisted.

When men of forty-five years or over may be re-enlisted.

Every person who enlists or re-enlists shall sign and make oath to an enlistment paper which shall contain an oath of allegiance to the State and the United States, and be in such form as may be prescribed in the regu-

Oath of Allegiance

Before whom
taken and sub-
scribed.

Making false oath.

Perjury.

Transfers of men
and officers.

Appointment, pro-
motion, reduction
and warranting of
non-commissioned
staff and other
officers.

When any enlist-
ed men may be
dropped on ac-
count of change
of residence, or
who cannot be
found.

When he may be
taken up at any
time upon his
own application.

Must be physically
examined.

Discharges to en-
listed men; when
to be given and
how executed.

lations issued under this Act: Such oath shall be taken and subscribed before a commissioned officer of the active militia, and all such commissioned officers are hereby authorized to administer such oath, and, when designated by the commanding officer of the company or other organization or by other proper military superior, to make and complete valid enlistments in the active militia. A person making a false oath as to any statement contained in such enlistment paper shall upon conviction be deemed guilty of perjury.

Section 65. The commander-in-chief shall have the power to make and cause to be made such transfers of officers and enlisted men within a regiment, corps or separate organization, and between the line and the Hospital Corps, as may be for the best interests of the service, and to provide regulations therefor.

Section 66. General, Post, Regimental and Battalion noncommissioned staff officers, and noncommissioned officers of companies and bands, shall be appointed, promoted, reduced and warranted in accordance with, and their duties defined by, the regulations under this Act, which shall be the same, so far as may be, as the corresponding regulations governing the regular army.

Section 67. Any enlisted man, who shall remove his residence to such distance from the armory of his organization, or the armory, or post at which he is detailed to serve, or who, after diligence, cannot be found, may be dropped from the rolls by the authority of the Adjutant General, upon the recommendation of the company commander; an enlisted man, dropped from the rolls by reason of removal may upon change in his residence be taken up at any time upon his own application approved by the Adjutant General. A man shall not be taken up from dropped until he has passed the physical examination required upon enlistment and men taken thus taken up shall receive credit for the time served before being dropped.

Section 68. No enlisted man shall be discharged from the service without a discharge in writing signed by his regimental commander and no discharge shall be given to any enlisted man before his term of service

has expired, except by order of the commander-in-chief or Adjutant General, by sentence of a general court martial or military commission, or certificate of disability by direction of the Adjutant General, and in compliance with an order of a court of competent jurisdiction, or a judge or justice thereof, on a writ of habeas corpus.

Discharges shall be of the following kinds:

1. Honorable discharge which shall be given to every soldier whose service has been honest and faithful, his conduct having been such as to warrant his re-enlistment.

2. Discharge without honor, which shall be given to a soldier discharged:

(a) without trial, on account of fraudulent enlistment.

(b) without trial, on account of having been disqualified for service, physically or in character, through his own misconduct.

(c) on account of imprisonment under the sentence of a civil court.

(d) where discharged without honor especially ordered by the commander-in-chief for any other reason.

(e) when upon expiration of the enlistment the service has not, in the opinion of the company commander, concurred in by a board of officers, been honest and faithful. The company or detachment commander who deems the service not honest and faithful shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall at the same time notify the regimental commander, who will in every case upon the written request of the enlisted man convene a board consisting, if practicable, of three officers one of whom the convening officer may be, to determine whether the soldier's service has been honest and faithful. The soldier shall be given a hearing and the decision of the board shall be final.

3. Dishonorable discharge may be given to a soldier:

(a) Sentenced to be so discharged by a court martial or a military commission.

(b) Fined by a court martial or military commis-

Kinds of discharges.

Honorable.

Without honor.

Without trial on account of fraudulent enlistment.

On account of disqualification.

On account of imprisonment.

For any other reason upon order of Commander-in-Chief.

Discharge without honor upon expiration of time of enlistment.

Board of inquiry to be convened and hearing given when.

Dishonorable discharge given, when.

Sentence by courts martial.

Upon failure to pay fine imposed.

Conviction of felony.

Upon application of commanding officer for good of the service.

Faithful service medal.

Nature and design.

Silver medal after fifteen years service.

Gold medal after twenty years service.

Things which shall be as prescribed by the regulations of the armies of the United States.

sion and who fails to pay such fine within thirty days after it was imposed.

(c) Convicted of felony.

(d) Whose commanding officer makes application to the Adjutant General for his discharge for the good of the service, stating briefly the misconduct relied upon as a ground for the discharge; if the Adjutant General, after investigation in which the soldier complained of shall be given a full and fair hearing, concur in the application, he may issue his order for dishonorable discharge.

Section 69. Hereafter, when any commissioned officer or enlisted man of the active militia of this state shall have served for nine years, not necessarily continuous, he shall receive a Faithful Service Medal, which shall be of bronze and of such pattern and design as shall be hereafter selected. After fifteen years service, not necessarily continuous, he shall receive such medal which shall be of silver, and of a different pattern or design from the bronze medal. After twenty years service, not necessarily continuous, he shall receive such medal, which shall be of gold, and of a different pattern or design from either the bronze or silver medals.

Section 70. Matters of military courtesy and discipline; precedence of regiments; details and working parties; special duty; official designation and duty of officers; records; flags, colors and standards; instruction and administration of regiments; battalions and companies; interior economy of companies; rosters, detachments and daily service; honors, courtesies and ceremonies; guards; practical and theoretical instruction; care, accountability for public property; surveys of property; staff administration and general duties of the staff corps; military correspondence; orders; muster rolls; return of troops and battle reports; arrest and confinement; and field service, shall, in general so far as practicable and consistent with this Act, be as now or hereafter prescribed in the regulations of the armies of the United States.

Section 71. The commander-in-chief may in his discretion at such times and under such regulations as he

may prescribe order each Colonel commanding a regiment, or, in case of his disability or when designated by him, of the Lieutenant Colonel, and each Major commanding a battalion to parade, inspect, and report upon the drill, military efficiency of the of the several companies under his command at least once each year. In addition to the inspections provided for in this section, the Inspector General shall make the inspection prescribed in Section 20 of this Act; and the commander-in-chief may, whenever he deems it necessary, order an inspection by a medical officer of the officers and men, armories, clothes, and equipment of the active militia.

Section 72. The commander-in-chief shall prescribe for the officers and men of the regiments and staff departments of the National Guard a course of theoretical and practical instruction, and shall organize such schools, designate such instructors and make such regulations, as may be required to accomplish such instructions.

He shall have the power to order all or any part of the National Guard to participate in any encampment, manoeuvres and field instruction of any part of the regular army at or near any military post or camp of the United States, whenever such participation shall have been provided for by the Secretary of War; and he shall during the next year preceding such annual allotment in accordance with section sixteen hundred and sixty-one of the revised Statutes of the United States, as amended, require every company, troop and battery in the National Guard, to participate in practice marches or go into camps of instruction at least ten consecutive days, and to assemble for drill and instruction at company, battalion or regimental armories or rendezvous or for target practice not less than twenty four times, and shall also during the same period require an inspection of each such company, troop and battery to be made by an officer of such National Guard or an officer of the regular army. No parade or drill of the active militia shall be ordered on any day during which any election shall be held, except in cases of riot, invasion or insurrection, or immediate danger thereof,

The Commander-in-Chief may order colonels and majors to parade and inspect and report upon the drill and military efficiency of companies under them, at least once per annum.

Additional.

Course of instruction to be prescribed by Commander-in-Chief.

Shall organize schools and designate instructors.

May order National Guard to participate in encampments, manoeuvres, etc., of the regular army, when.

He shall require every company, troop and battery to participate in practice marches or go into camp of instruction, when and for how long.

To assemble for drill at armories or rendezvous or target practice.

Require inspection of each company.

Election days excepted.

or of public danger resulting from flood, conflagration or tempest.

Biennial encampment of National Guard.

In time of peace, in every odd numbered year, there shall be an encampment of the National Guard of Montana, not to exceed ten days in duration, exclusive of the time used in traveling to and from such encampment, to be held at such point within the State and at such time as the Governor may direct.

Place and time of holding.

Per diem to be paid.

For such service at such encampment the National Guard shall be entitled to the following per diem:

Privates and Musicians	\$1.50
Corporals	\$1.60
Sergeants	\$1.75
Non-Commissioned Staff Officers...	\$2.50
Members of the Regimental Band ..	\$2.00
Commissioned Officers, the pay of their rank and grade in the United States Army.	

First Sergeant	\$2.25
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Transportation and subsistence to be also allowed.

In addition to the per diem allowed above the necessary transportation and subsistence in going to and returning from such encampment shall be allowed, all of which shall be paid from the treasury of Montana on approval by the Governor; Provided that commissioned officers shall not be enlisted to subsistence.

Proviso.

When at maneuver camps at points designated by the War Department.

Whenever the troops of this state, or any part or portion thereof shall go to maneuver camps at a point designated by the War Department, the enlisted men thereof shall receive from the State of Montana, in addition to the army pay, the difference between such army pay and the state pay herein provided for state camps.

Claims for transportation and subsistence against state; how paid.

All claims for transportation and subsistence of such troops shall be proper charge against the state and shall be audited and paid the same as other claims against the state out of any moneys in the General Fund not otherwise appropriated.

Pay of enlisted men and commissioned officers when serving to suppress riots, mobs, insurrections, etc.

Section 73. Every enlisted man in the National Guard of Montana shall receive a per diem of three Dollars and the necessary transportation and subsistence, and every commissioned officer shall receive the pay of his rank and grade in the regular army, and the

necessary transportation, when serving under the orders of the Governor to suppress riots, mobs, insurrection, and in the event of public disaster resulting from conflagration, flood or tempest, or to enforce the civil law.

Section 74. In case of tumult, riot, mob, or body of men acting together by force with intent to commit a felony or to offer violence to persons or property or by force and violence to break and resist the laws of the state or of the United States, or of immediate danger thereof, the Sheriff of a county or Chief Executive of a City may call upon the Governor for aid, and the Governor may, in his discretion, order out in aid of the civil authorities such number of troops as he may deem necessary. The commanding officer of such troops shall remain strictly responsible to his military superior for the manner in which the troops shall be used to accomplish the desired end.

When the sheriff of a county or mayor of a city may call upon the Governor for military aid.

Governor may order out troops.

Commanding officer responsible to his superior officer for manner of using troops.

Section 75. Whenever any part of the active militia is on active duty, pursuant to the order of the Governor or call of the civil authorities, to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any place where intoxicating liquors, arms ammunition, dynamite, or other explosives are sold, and forbid the selling, bartering lending or giving away any of said articles so long as any of the troops remain on duty in such places, or in the vicinity thereof, whether any civil officer has forbidden the sale or not.

When commanding officer of troops called out may close certain places.

Section 76. Notice for duty at encampments, manoeuvres and field instruction shall be given at least ten days prior thereto, and for other duty at such time as the officer issuing the order shall prescribe. Such notices shall be given orally or by writing or printed notice in hand; providing that the posting of the copy of an order in a conspicuous place in the drill or business room of the company, at a regular meeting held not less than four days before the time fixed in such order for the performance of any city shall be sufficient notice to all members of the company present at such meeting, and provided that when the days upon which the stated drills provided by law, orders, or regulations

Notice for duty; when to be given.

How given.

When notice need not be given.

Annual prizes for marksmanship in small arms practice.

Regulations of competitions.

Medals for perfect attendance for one year.

Allowance to commissioned officer for uniform and equipment.

Additional sum to each mounted officer.

Vouchers first to be furnished.

How compensation and expenses of men and officers when called out for active duty shall be paid.

are to be held have been fixed, no further notice thereof shall be required to the members of the company.

Section 77. To encourage marksmanship the Governor is authorized to offer annually prizes for those who shall excel in Small Arms Practice, and prizes for competition among the organizations and corps of the National Guard. All such prizes shall be competed for under regulations prescribed by the Inspector of Small Arms Practice, approved by the Adjutant General. Members of any staff corps or departments assigned to duty with any command shall be considered a part of such command for the purposes of the competition herein authorized.

Section 78. Every officer or enlisted man of a company, troop or battery who has a perfect record of attendance at every military duty for one calendar year, shall receive a suitable medal therefor, and a bar or clasp for each additional calendar year of perfect attendance, either continuous or otherwise.

Section 79. To assist in providing the necessary uniform and equipment each commissioned officer shall receive, after his first year's service as such, an allowance of forty dollars, and each year thereafter such amount, not exceeding the sum of twenty-five dollars, as he shall have expended; provided that he has performed seventy-five per cent of all ordered duty; and provided further that each mounted officer shall receive an additional sum of ten dollars (\$10.00) annually, but before any money is paid to any such officer he shall furnish vouchers to the Adjutant General showing that such expenditures have been made, and all such claims shall be audited and paid as are other claims against the state.

Section 80. When the active militia, or any portion thereof, shall be called forth in aid of the civil authorities, or in the event of public disaster resulting from conflagration, flood or tempest, or assembled in obedience to such call, as provided for in Section 74, all officers and men thereof shall receive the pay set forth in Section 73, and such compensation and the necessary expenses incurred in quartering, caring for, trans-

porting and subsisting the troops, as well as the expense incurred for pay, care and subsistence of officers and enlisted men temporarily disabled in the line duty, while on such duty, shall be paid out of any moneys in the General Fund of the state not otherwise appropriated.

To all officers ordered to make inspection or other journeys necessary in the military service shall be allowed all actual and necessary expenses, in addition to the pay of their rank and grade, incident to the performance of such service.

Whenever deemed necessary, the Adjutant General may authorize the commutation of rations for enlisted men, which shall be at the rates fixed by the regulations of the United States in force at the time.

The Adjutant General whenever necessary, and in such manner as he may deem best, shall provide suitable mounts for all officers and enlisted men required to perform mounted duty. He shall also approve all other just and reasonable claims, payments, and expenditures, legally made in behalf of the military service of the state.

Section 81. All military accounts, unless otherwise specifically provided by law, shall be approved by the person authorized to contract the same and transmitted to the Adjutant General for his examination and approval. Upon approval, such account shall be presented to the State Board of Examiners, and if approved by such board shall be paid as are other claims against the state; provided that no payment shall be made or allowed except for duty actually performed or services actually rendered; and providing that no payment of any sum authorized by this act shall be made to any person until there shall have been first deducted therefrom all amounts due by him to the state on any military account whatsoever.

Section 82. Any member of the active militia who shall, in case of riot, tumult, breach of peace, insurrection or invasion, or whenever called into the active service of the state by order of the Governor, or called in aid of the civil authorities, or when participating by the order of the Governor in any encampment, man-

Compensation and expenses of officers ordered out on inspection or other necessary journeys.

Commutation of rations for enlisted men and rate thereof.

Mounts for officers and men in mounted service.

Adjutant General to approve just and reasonable claims.

Approval of military accounts.

To be paid when.

Member of the active militia injured or incapacitated while in active service, etc., to receive pay provided in Section 73 and actual expenses incurred for care and medical attendance.

No such claim shall be allowed unless notice is given to the Adjutant General, when.

What disability shall not be considered temporary.

Pay and expenses for more than ninety days shall not be allowed.

Proofs of claim to be made within what time and submitted to the Adjutant General.

Adjutant General may allow or disallow claim in full or in part or may refer same to whom.

Power of Medical Examiner and board in investigation.

cuvres and field instruction of any part of the regular army at or near any military post or camp of the United States, or when participating by order of the Governor in practice marches or camps of instruction for at least five consecutive days, receive any injury, or incur or contract any disability or disease, by reason of such duty or assembly therefor, or who shall without fault or negligence on his part receive any wound or injury incident to and while performing any lawfully ordered duty which shall temporarily incapacitate him from his usual business or occupation, shall during the period of such incapacity, receive the pay provided by Section 73 and actual and necessary expenses for care and medical attendance. No claim shall be allowed under this section unless the claimant within thirty days after receiving the injury or contracting the disease or disability upon which the claim is based, notifies in writing the Adjutant General of his intention to make such claim. Under this section no disability shall be considered temporary which continues more than ninety days after the date of receiving the injury or of contracting or incurring the disease or disability, and pay and expenses for care and medical attendance for more than the said ninety days shall not be allowed. When a claim is made under this section, the claimant shall, within thirty days after receiving the injury or contracting the disease or disability upon which the claim is made, or such further time as the Adjutant General shall grant, submit to the Adjutant General his proof by affidavit or otherwise as the Adjutant General may direct. On examination thereof the Adjutant General may allow or disallow the whole or any part of said claim, or he may refer the same to a medical examiner or to a board of three officers, at least one being a medical officer, to be appointed by the Adjutant General, and such medical examiner or board shall have the same powers to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers, and punish for failure to do so, as is possessed by a general court martial. The finding of the medical examiners or boards shall be subject to the approval of the Adjutant General,

who may approve the whole or any part thereof, or he may return the proceedings for revision or for taking further testimony. The Adjutant General may cause the examination of the claimant to be made from time to time by a medical officer or officers, designated for the purpose, and may direct the removal of a claimant to, and his treatment in, any hospital designated by the Adjutant General, and if the claimant refuse to permit any examination herein provided for, or if he refuse to go to such hospital, or to follow the advice given or treatment prescribed for him therein, he shall thereby forfeit and be barred from all right to any claim or allowance under this section. The amount found due such member by the Adjutant General, either on his own investigation or on the report of the medical examiner or board to the extent approved by him, shall be a charge against and be paid in the same manner provided in Section 80, and the Adjutant General shall so certify to the State Board of Examiners, and if approved by it shall be paid in the same manner as are other claims against the state, out of any moneys in the General Fund not otherwise appropriated.

Every member of the active militia who shall be permanently disabled by reason of any wound, injury or disease incurred while in the service of the State, and the widow and children of every such member killed in the service of the State as hereinabove provided, must be suitably provided for the Legislative Assembly.

Section 83. All Boards of County Commissioners of the several counties of this state are hereby given power and authority to build or acquire by purchase, lease, gift, or otherwise, suitable armories, drill rooms, headquarter offices, for such organizations of the active militia as may be stationed or located therein; and to provide for the maintenance and repair of the same; and such boards of County Commissioners may raise money by taxation or otherwise for the purpose of providing suitable armories, drill rooms or headquarters offices for such organizations of the active militia as may be stationed and located therein in such manner as is by law provided for the erection and maintenance of public buildings and improvements.

Finding of Medical Examiner or board subject to approval of Adjutant General.

Examination of claimant by Medical officer.

May remove claimant to hospital.

If claimant refuses examination, treatment or to go to hospital he shall forfeit claim.

If the claim is found due it shall be a charge and paid, how.

To be certified to the state examining board, and paid when and how.

Militia members injured while in active service of the state, and their widows and children, when killed, must be suitably provided for by the Legislative Assembly.

Boards of County Commissioners authorized to build or acquire suitable armories, drill rooms, etc., for organizations of the active militia of their counties.

May raise money by taxation or otherwise therefor.

Armory Commission, who shall constitute.

Chairman.

Duties of commission.

Rent for armories.

The Governor is authorized to accept donations, in the name of the state; to be used for military purposes.

When the Armory commission may erect upon lands owned or leased by the state armories, drill rooms, headquarters for officers, etc.

Amount of state tax to be annually levied for defraying current expenses of the active militia.

Revenue collected to be paid into a special and continuous military fund of the treasury.

Section 84. The Adjutant General, together with two officers of the line of the active militia of or above the grade of Captain and two civilians appointed by the Governor for a period of four years unless sooner relieved by proper authority and eligible for reappointment for a like period, shall constitute an Armory Commission of which the Adjutant General shall be the chairman, whose duty it shall be to exercise general supervision and control over all armories, drill rooms, headquarters offices, to consult and co-operate with the several Boards of County Commissioners and to devise effective means of obtaining and maintaining such armories, and to fix, subject to the approval of the Governor, the compensation to be allowed to the respective counties as rent for them; they shall the power, after consulting and hearing the Boards of County Commissioners, to determine the administrative question of military suitability and adequate maintenance of all armories, drill rooms, offices, and headquarters offices;

Section 85. The Governor is authorized to accept in the name of the state, donations of lands and buildings to be used for military purposes by the organized militia under such conditions as the donors may nominate; lands and buildings so donated shall be subject to the rules and regulations prescribed by the Armory Commission.

Section 86. Whenever the military fund shall be sufficient to warrant such expenditures. the Armory Commission may, with the approval and by direction of the Governor erect upon lands owned or leased by the state armories, drill rooms, headquarters offices or other buildings for military purposes.

Section 87. For the purpose of raising revenue to defray the current expenses of the active militia, there shall be assessed, levied and collected the same as other state taxes, a tax of one tenth of one mill upon all property in the state subject to taxation, for the present fiscal year and for each fiscal year thereafter. The revenue thus raised shall be paid into the State Treasury and be converted into a special and continuous military fund only, from which, except where

otherwise specified, shall be paid the expenses authorized by this Act; Said levy shall be annually made by the State Board of Equalization and to the extent of the amount thereof shall be deducted from the levy authorized by the constitution and law for state purposes.

Levy to be made by whom, and deducted from what levy.

Section 88. The rules of evidence in all courts martial shall follow in general, so far as possible, the common law rules of evidence as observed by the courts of this state in criminal cases, but a certain latitude in the introduction of evidence and the examination of witnesses by avoidance of restrictive rules is permissible when it is in the interest of the administration of military justice. The accused shall at his own request, but not otherwise, be a competent witness; and his failure to make such request shall not create any presumption against him.

Rules of evidence in all courts martial.

Certain latitudes in the introduction of evidence may be permitted, when.

When accused may be a witness.

Section 89. In all trials before courts martial the accused shall have the right to demand the nature and cause of the accusation against him, and to be presented with a copy of the charges. He shall have the right of being heard by himself or counsel, or both; and shall have compulsory process for obtaining witnesses in his favor. The officer ordering a general, regimental or garrison court martial will, at the request of any prisoner, who is to be arraigned, detail as his counsel a suitable officer who shall perform such duties as devolve upon counsel for defendants before civil courts in criminal cases.

The accused shall have the right to demand nature and cause of accusations and be presented with a copy of the charges.

Right of counsel and compulsory process for witnesses.

Officer calling courts martial, at the request of the accused, will detail as his counsel a suitable officer.

Section 90. The Judge Advocate, of any court martial, and any summary court, will summon the necessary witnesses for the trial, and for that purpose shall have authority to issue in the name of the state the necessary subpoenas; and every Judge Advocate of a court martial shall have power to issue the like process to compel witnesses to appear and testify which courts of criminal jurisdiction within this state may lawfully issue. Such rights and process may be served and executed by a military person or persons designated to do so by the Judge Advocate, or they may be directed to any sheriff, constables or other officer whose duty it shall be to serve or execute the same in the same man-

Duties and powers of the judge advocate of court martial.

Who may save writs and processes.

ner in which like writs or process are served or executed when issue by the civil courts of criminal jurisdiction in this state.

How attendance of witnesses may be procured.

Punishment of persons in military service who disobey subpoena, refusal to qualify as a witness, etc.

Other persons subpoenaed refusing to appear, qualify, testify, etc., shall be deemed guilty of a misdemeanor.

Prosecution and punishment of.

When mileage and one day's fee are not tendered witness.

Witness fees.

No witness shall be compelled to incriminate himself.

Subpoenas, writs and processes issued by a general court martial to extend all parts of state, but by other courts martial, only throughout the county in which issued.

Excepting when ordered by whom.

Indorsement on process.

The attendance of witnesses in the military service of the state may be procured by the service of formal subpoena, or by the order of competent military authority; and every person in the military service of the state who being duly subpoenaed or ordered to appear as a witness before a court martial wilfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify or produce documentary evidence, shall be deemed guilty of disobedience of orders and punished by a court martial accordingly: and every person not belonging to the military service of the state who being duly subpoenaed to appear as a witness before a court martial wilfully neglects or refuses to appear or refuses so to qualify, testify, or produce documentary evidence, shall be deemed guilty of a misdemeanor, and prosecuted like other misdemeanors in any court of competent jurisdiction and punished by a fine not exceeding one hundred (\$100.00) dollars; provided that such witness may plead as a defence that he was not tendered one day's fee and mileage for the journey to and from the place of trial, and providing that all witnesses shall receive the fees prescribed in the supreme judicial court, such amounts to be audited and paid as are other claims against the state, and providing that not witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him.

Section 91. Subpoenas and all other writs and process when issued by a general court martial shall extend to every part of the state, but when issued by other military courts cannot be executed in any county other than in the one in which issued, except they be endorsed by the Governor, or an officer authorized to order a general court martial in which case they can be executed anywhere in this state. The endorsement shall be, in substance, "Let this process be executed in any county of the State of Montana"; and shall be dated and signed by the officer making it.

Section 92. Whenever by any of the articles or sections the punishment or conviction of any military offense is left to the discretion of the court martial the punishment shall not exceed, in case of officers, dismissal from the service, a forfeiture of all pay and allowances, and a fine of two hundred (\$200.00) dollars and the costs of witnesses, and in the case of enlisted men, thirty days confinement, dishonorable discharge, forfeiture of all pay and allowances, and a fine of fifty (\$50.00) dollars and costs of witnesses. Within such maximum limits the Governor may prescribe in the case of enlisted men a lesser limit which a court martial shall not exceed, and if no such limit be prescribed any fine awarded shall not exceed the amount of forfeiture prescribed in the executive order establishing maximum limits of punishment for enlisted men in the regular army. But confinement shall in no case be awarded as a punishment except for an offense committed when on duty at any encampment, manœuvres, and field instruction ordered for at least five consecutive days, or when called out by the Governor in case of insurrection, invasion, turmoil, riot, mob, resistance to the laws of the state, or of imminent danger thereof, or when called out in aid of the civil authorities.

Section 93. When the sentence of a court martial adjudges a fine and costs against any person and such fine and costs has not been fully paid within thirty days after the confirmation thereof, or whenever a person in the military service is ordered confined to await trial or is sentenced to confinement by a court martial or whenever any person is ordered into confinement under the eighty-sixth article at a place or station not provided with a guard house or military prison, the Governor, the court or officer ordering the court, or the officer commanding for the time being, as the case may be, shall issue a warrant of commitment directed to the sheriff of the county in which the court martial was held, directing him to take the body of the person so convicted and confine him in the county jail; and it shall be the duty of the sheriff to take the body of the person so convicted and confine him in the county jail for the time specified in the sentence, or for one day

Punishment when it or the conviction is left to discretion of the court martial.

In case of officer.

In case of enlisted men.

Governor may prescribe limit within such maximum in case of enlisted men.

If no limit be prescribed by the Governor the limit prescribed in the regular army shall attain.

Confinement shall not be awarded as a punishment except in what cases

When warrant of commitment shall issue to the sheriff of the county in which the court martial was held.

Warrant of commitment shall direct what.

Duty of the sheriff.

for any fine not exceeding two dollars, and one additional day for every two dollars or fraction thereof above that sum, and one additional day for each two dollars of costs.

Presumption of jurisdiction of the courts.

Burden of proof.

No action or proceeding to be maintained against a member of the military force for what acts.

Officers authorized to administer oaths for military purposes.

No fees to be charged.

Each summary court and the Judge Advocate of other courts to make reports of cases tried each month.

When persons belonging to the active militia shall be privileged from arrest.

Active Militia men officers and retired officers exempt from jury duties and head tax and after nine years of service shall be forever exempt therefrom.

Voluntary military services forbidden excepting when.

Section 94. The Jurisdiction of the courts and boards established by this act shall be presumed, and the burden of proof shall rest on any person seeking to oust such courts or boards of Jurisdiction in any action or proceeding.

No action or proceeding shall be prosecuted or maintained against a member of the military forces of this state or officers or person acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence, or the imposition or collection of any fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

Section 95. Officers of the Judge Advocate General's Department, Judge Advocates of courts martial, and the trial officers in summary courts, are hereby authorized to administer oaths for the purpose of military administration, and shall charge no fee for the same.

Section 96. Each summary court and the Judge Advocate of each regimental and each garrison court, shall, at the end of each month, make a report to the Adjutant General of the cases tried, setting forth the offense committed and penalty awarded.

Section 97. Every person belonging to the active militia of the state shall in all cases, except felony and breach of the peace, be privileged from arrest while going to, remaining at, or returning from any place he may be required to attend for the election of officers or other military duty.

Section 98. Every member of the active militia, and every officer on the retired list shall be exempt from Jury duty and from the payment of head tax of every description; provided that every member of the active militia, and officer on the retired list who has served for a period of nine years shall be forever exempt from Jury duty and from head tax of every description.

Section 99. No organization of the active militia shall perform any voluntary military service except as

authorized by this act or by the express order of the Governor.

Section 100. No organization of the active militia shall leave the state and no military organization of another state, unless acting under the authority of the United States, shall enter the state, except in each case by permission of the commander-in-chief.

No military organization to leave the state, and no such organization of another state to enter this state, except when.

Section 101. No body of men, other than the active militia and the troops of the United States, shall associate themselves together as a military company or organization, or parade in public with fire-arms in any city or town of this state; nor shall any city or town raise or appropriate any money towards arming, equipping, uniforming or in any other way supporting, sustaining or providing drill rooms or armories for any such body of men; but associations wholly composed of soldiers and soldiers honorably discharged from the service of the United States and the order known as the Sons of Veterans may parade at any time in public with firearms; and students in educational institutions where military science is taught as a prescribed part of the course of instruction, may, with the consent of the Governor, drill and parade with firearms in public under the superintendence of their military instructors. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and punished by a fine not exceeding ten (\$10.00) dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

No other military organization to be permitted in the state excepting Federal troops, or parade in public with firearms.

No city or town shall in any way support or equip such body of men

Associations of soldiers and honorably discharged soldiers and Sons of Veterans may parade with firearms.

Other exceptions.

Violating provisions of this section a misdemeanor.

Punishment.

Section 102. The uniform, arms, and equipment of the active militia shall be the same as those of the regular army of the United States. Each organization of the National Guard and every enlisted man thereof shall be uniformed, armed, and equipped by the state, as is or may hereafter be prescribed or provided by the laws or regulations of the United States for the organized militia, and no member or organization of the active militia, shall adopt, use or wear in the military service of the State any other uniforms, arms or equipment.

Uniform, arms and equipment.

How the militia shall be.

Section 103. All commissioned officers shall provide themselves with such uniforms, arms and equipment as

Commissioned officers shall provide themselves with uniforms, arms and equipments.

are required of the commissioned officers of the regular army.

The clothes, arms and military outfit and accoutrements are exempt from execution.

Section 104. The clothes, arms, military outfit, and accoutrements furnished by or through the state to any member of the active militia, and the uniforms, arms and equipment required of commissioned officers shall not be subject to any suit, distress, execution or sale for debt or payment of taxes.

Every person excepting those herein named, who at any time wears the uniform of the United States States army or navy or of the active militia of this state, or any part of such uniform or one or part of one similar thereto in this state shall be guilty of a misdemeanor.

Section 105. Every person, other than an officer or enlisted man in the active militia of this state or of any other state, or of the United States Army, Navy, Marine Corps, or Revenue of Forest Service, or a member of any service of the United States for whom such uniform has been prescribed by proper authority, or inmate of any Veterans' or Soldiers' Home, or a member of the Grand Army of the Republic, United Spanish War Veterans, or of the Sons of Veterans, who at any time wears the uniform of the United States Army or Navy or active militia of this state, or any part of such uniform, or a uniform or a part of a uniform similar thereto, within the limits of this state, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county Jail not exceeding thirty days, or by both such fine and imprisonment; provided, that nothing in this act shall be construed as prohibiting persons in the theatrical profession from wearing such uniform in any playhouse or theatre while actually engaged in following such profession, and provided that nothing in this act shall be construed as prohibiting a uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; and provided further, that whenever the active militia or any part thereof is in active service, or is called into active service, no civic organization or member thereof shall parade or appear in uniform in the locality where said active militia is in service.

Punishment.

Proviso excepting certain persons and places.

Wilfully depriving a member of the National Guard of his employment or persuading another not to employ him or annoying the member on account of his being a member of the National Guard.

Section 106. Any person who, either by himself or with another, wilfully deprives a member of the National Guard of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of the National Guard or his em-

ployer in respect to his trade, business, or employment, because said member of said National Guard is such member or dissuades any person from enlistment in the said National Guard by threat of injury to him in case he shall so enlist, in respect of his employment, trade, or business, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor exceeding five hundred (\$500.00) dollars, or by imprisonment for not less than ten (10) days nor more than six months in the county Jail, or by both such fine and imprisonment.

Or dissuading any person from enlisting or threatening to injure him in his business or employment shall be deemed guilty of a misdemeanor.

Penalty.

Section 107. No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment, or business of the members thereof, shall by any constitution, rule, by-law, resolution, vote, or regulation, discriminate against any member of the National Guard because of such membership, in respect to the eligibility of such member of the National Guard to membership in such association or corporation, or in respect to his right to retain said last mentioned membership; and any person who aids in enforcing any such provision against a member of the said National Guard with intent to discriminate against him because of such membership, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor exceeding five hundred (\$500.00) dollars, or by imprisonment in the county Jail for a term of not less than ten (10) days nor more than six (6) months, or both such fine and imprisonment.

No association, corporation or trade union shall by any constitution, by-laws or otherwise discriminate against members of the National Guard.

Any person aiding in enforcing any such provision is guilty of a misdemeanor.

Penalty.

Section 108. If any person interrupts, molests or insults, by abusive words or behavior, or obstructs any officer or soldier while on duty or at any parade, drill or meeting for military improvement, he must immediately be put under guard and kept at the discretion of the commanding officer until the duty, drill, parade or meeting is concluded; and he may commit such person to any police officer, constable or sheriff of the county wherein such duty, drill or meeting is held, who shall detain him in custody for examination or

Persons interrupting, molesting or insulting an officer or soldier while on duty must be put under guard and kept until when.

May be committed to any police officer, constable or sheriff and be detained for trial.

Interfering with United States forces or any part of the National Guard.

Punishment.

Not to dispose of clothes, arms or other military property furnished by the state.

Vendee of such property shall have no property rights therein.

To be seized wherever found.

Possession of such property shall be presumptive evidence of what.

A misdemeanor to sell or offer for sale or otherwise dispose of, or secrete any clothing, arms or military outfit, etc., after demand by an officer, or receiving any of the same.

trial before a court having Jurisdiction of the place; and any person found guilty of any of the offenses enumerated in this section or of obstructing or interfering with United States forces or troops or any part of the National Guard shall be punished by a fine of not less than ten (\$10.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment in the county Jail for not less than ten (10) days nor more than six (6) months or by both such fine and imprisonment.

Section 109. "The clothes, arms, military outfits, and accoutrements furnished by or through the State to any member of the active militia shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a member of the military forces of this state or of the United States, or duly authorized officer or agent of the state or of the United States, who has possession of any such clothes, arms, military outfit, or accoutrements, so furnished, which have been the subject of any such unlawful disposition, shall have any right, title, or interest therein; but the same shall be seized and taken wherever found by any officer of the State, civil or military, and shall thereupon be delivered to any commanding officer or other officer authorized to receive the same, who shall make an immediate report to the Adjutant General. The possession of any such clothes, arms, military outfit or accoutrements, by any person not a member of the military forces of the state or the United States shall be presumptive evidence of such sale, barter, exchange, pledge, loan, or gift.

Section 110. Any person who shall sell or offer for sale, barter, exchange, pledge, loan or give away, secrete or retain after demand made by an officer of the state, civil or military, any clothes, arms, military outfits or accoutrements furnished by or through the state to a member of the active militia, or who shall receive by purchase, barter, exchange, pledge, loan or gift, any such clothes, arms, military outfits or accoutrements, shall be guilty of a misdemeanor and punished by a fine of not less than ten (\$10.00) dollars, nor exceeding one hundred (\$100.00) dollars, or by imprisonment

in the county jail for not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment.

Penalty.

Section III. All property furnished by the state shall remain and continue to be the property of the state, to be used for military purposes only, and when not so in use shall be kept in the armories or designated places of deposit. Every officer receiving public property for military use shall be held responsible for the safe keeping and the return of the same when called for; he will account for and make such returns thereof as may be prescribed whenever called upon so to do by the Governor or other proper authority, and every such officer shall, when required by the Governor, give bond payable to the State of Montana in such sum as the Adjutant General may direct. The Adjutant General shall obtain and pay for, from the appropriation or military fund for maintenance of the National Guard, a surety bond or bonds running to the State of Montana covering all of the officers of the National Guard of Montana who are responsible to the State for money or military property. Such bonds shall be approved by the commander-in-chief and filed in the office of the Adjutant General.

All property furnished by shall remain the property of the state for military purposes only.

Officers receiving such property are responsible for same and shall account and make returns thereof when called upon.

Such officers required to give bond to the state.

Adjutant General to obtain and pay for bonds running to the state for certain officers.

Any officer, enlisted man or other person, who shall wilfully or maliciously destroy, injure or deface any article of military property belonging to the state, or shall use it for other than military purposes, or shall have or retain the same in violation of law or regulations shall be punished by a fine of not less than five (\$5.00) dollars, nor more than fifty (\$50.00) dollars, and in case any officer or enlisted man in the National Guard who has at any time through carelessness or inattention lost, destroyed, or suffered to be lost or destroyed, any state or government property which has been issued for his use, upon conviction thereof in any court, civil or military, and execution shall be issued against him for the value of the property so destroyed, injured or defaced. The money so recovered shall be paid over to the company commander or other officer responsible for the safe keeping of such property.

Wilfully destroying or injuring military property of the state, or using for other purposes.

Punishment.

Any officer or enlisted man losing or destroying through carelessness property of state or government.

Liable for its value.

Disposition of money so received.

Clearing right of way in highways for the militia.

What has right of way before militia

Misdemeanor for all others to hinder, delay or obstruct the militia on duty.

Fixing limits to camp or parade.

Invading limits of camp, parade or armory after being forbidden and otherwise hindering and disturbing military troops, etc.

May be confined under guard for twenty hours.

Extension of camp limits or authority.

Provided that owners and servants of included property shall not be excluded therefrom.

Sale of intoxicating liquors within camp limits to be prohibited.

May be abated as a common nuisance.

Misdemeanor of civil officer.

Section 112. The commanding officer of any portion of the active militia parading or performing any military duty in any street or highway may require any or all persons in such street or highway to yield the right of way to such militia; providing the carriage of the United States Mail, the legitimate functions of the police and the progress and operations of the hospital ambulance, fire engines and fire departments, and apparatus of the insurance patrol shall not be interfered with thereby. All others who shall hinder, delay or obstruct any portion of the active militia whenever parading or performing any military duty, or who shall attempt so to do, shall be guilty of a misdemeanor.

Section 113. Every commanding officer, when on duty as such, may fix necessary bounds and limits to his camp, or parade, not including a road so as to prevent passing. Whoever intrudes within the limits of the parade, camp, or armory, after being forbidden or resists a sentinel who attempts to put him or keep him out of such limits, or in any manner interrupts or molests the orderly discharge of duty by those under arms, or disturbs, hinders or prevents the passage of troops going to or returning from any duty, may, at the discretion of the commanding officer, be confined under guard not exceeding twenty-four hours. Such authority of an officer commanding a camp may be extended by order of the commander-in-chief to a distance not exceeding one-half mile around such camp; provided, that the owner or owners of the external space within such distance of the camp, and their agents or servants shall not be hindered or prevented from entering upon such space for the purpose of using, occupying, and improving the same, in the same manner in which they used, occupied, and improved the same at the time when the camp was established. The commanding officer of any camp or armory shall prohibit the introduction or sale of or dealing in, beer, wine or any intoxicating liquor, within the limits or extended limits of the camp or within the armory, and he may abate as common nuisances all such sales and introductions.

Section 114. Civil officers named in this act, neglecting or refusing to obey its provisions, shall be guilty

of misdemeanor.

Section 115. Offenses against the provisions of this Act, except when they are purely military and committed by a person subject to military jurisdiction, may, unless a different remedy is specially provided, be prosecuted by complaint or indictment before a court of competent jurisdiction; and all fines and forfeitures collected under the provisions of this act, the disposition whereof is not otherwise specially provided for, shall be paid into the State Treasury and credited to the military fund.

How offenses against this act, not purely military, may be prosecuted.

Disposition of fines collected

Section 116. Companies of the active militia may make by-laws, subject to the written approval of the Adjutant General, not repugnant to law, orders or regulations, and fix a sum to be paid by any member of such company for non-compliance therewith not exceeding five (\$5.00) dollars. Any member who fails to pay such sum so fixed, within thirty (30) days after notification that the same is due, shall be deemed guilty of conduct to the prejudice of good order and military discipline, and punished by a court martial accordingly; and all forfeitures resulting therefrom shall be paid into the company treasury.

Company by-laws.

Fixing penalty for violations thereof.

Punishment for non-payment of such fines after thirty days notice.

Section 117. The commissioned officers of the active militia may organize themselves into an association the name of which shall be the National Guard Association of the State of Montana. Such association may adopt a constitution and by-laws not repugnant to law, orders or regulations, and alter and amend the same, and may take and hold such real and personal property as may be necessary for the purposes of the association.

National Guard Association of the state of Montana.

Constitution and by-laws of

May take and hold real and personal property.

Section 118. The Governor is hereby authorized to make such rules and regulations as he may deem expedient, but such rules and regulations shall conform to this act, and, as nearly as practicable, to those governing the United States Army and Navy, and when promulgated, shall have the same force and effect as the provisions of this act. The rules and regulations in force at the time of the passage of this act, and not inconsistent herewith, shall remain in force until new rules and regulations are approved and promulgated.

Governor may make rules and regulations.

Shall conform to what laws, rules and regulations.

Existing rules and regulations.

Only the flags, device and banner of this state and the United States may be carried while in service.

Section 119. No organization of the Active Militia or of the Reserve Militia shall while under arms, either for ceremony or service carry any device, banner or flag of any state or nation except that of the United States or that of the State of Montana.

When the articles of war and the rules and regulations of the army of the United States shall be in force and regarded as part of this act.

Section 120. Whenever any portion of the militia not being in the service of the United States shall be on duty or ordered to assemble for duty by the Governor in time of actual war, insurrection, invasion or rebellion, the articles of war governing the army of the United States and the regulations prescribed for the army of the United States, so far as consistent with this Act, and the regulations issued thereunder, shall be in force and regarded as a part of this Act until said forces shall duly be relieved from such duty during such state of actual war, insurrection, invasion or rebellion; but no punishment under such rules and articles which shall extend to the taking of life, shall in any case be inflicted until the approval by the Governor of the sentence inflicting such punishment.

Death punishment thereunder not to be inflicted until when.

Rules and articles to govern when any portion of the militia is on duty in service of this state.

Section 121. Whenever any portion of the militia shall be on duty or ordered to assemble for duty in the service of this State in accordance with this Act, except as provided in the preceding section, the following rules and articles shall govern:

Definition of the words "Officer," "Soldier," and "Convictions" as used or mentioned herein.

The word officer, as used herein, shall be understood to designate commissioned officers; the word soldier shall be understood to include non-commissioned officers, musicians, artificers, privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by a court martial.

Rules and articles to be read to every enlisted man.

Article 1: These rules and articles shall be read to every enlisted man at the time of, or within six days after his enlistment, and he shall thereupon take an oath or affirmation in the following form: "I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America, and the State of Montana; that I will serve the State honestly and faithfully against all enemies whomsoever; and that I will obey the orders of the President of the United States and the Governor of the State of Montana and the orders of the officers appointed over

Oath to be administered.

me, according to the rules and articles governing the National Guard of Montana, so help me God."

This oath may be taken before any commissioned officer of the National Guard of Montana.

May be taken before whom.

Article 2: Every officer who knowingly enlists or musters into the military service any minor over the age of eighteen years without the written consent of his parents or guardians, or any minor under the age of eighteen years, or any insane or intoxicated persons, or any deserter from the military or naval service of the United States or of the State of Montana, or any person who has been convicted of any infamous offense, shall upon conviction, be dismissed from the service, or suffer such other punishment as a court-martial may direct.

Officers knowingly enlisting any of the persons forbidden herein.

Punishment.

Article 3: Any officer who knowingly musters as an enlisted man a person who is not an enlisted man shall be deemed guilty of knowingly making a false muster, and punished accordingly.

Knowingly mustering, as an enlisted man a person not enlisted.

Punishment.

Article 4: Any person who takes money, or other thing, by way of gratuity, or mustering regiment, troop, battery, or company, or signing muster rolls, shall be dismissed from the service.

Accepting bribes in performing certain acts.

Article 5: Every officer who knowingly makes a false return to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison under his command; or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court martial, be dismissed.

Making false returns.

Article 6: Every officer commanding a troop, battery, or company, is charged with the arms, accoutrements, ammunition, clothing or other military stores belonging to his command, and is accountable in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, or on actual service.

Officers charged with property named and accountable therefor.

Article 7: Every officer who signs a false certificate, relating to the absence or pay of an officer or enlisted man shall be dismissed from the service.

Signing false certificate.

Punishment.

Article 8: Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster roll, knowing the

Knowingly making false musters or signing a false muster roll.

Punishment.

Disabled to hold
any state office or
employment.

Wilfully or
through negli-
gence suffers to
be lost, spoiled or
damaged military
stores.

Personal liability
and dismissal.

Selling or wil-
fully wasting am-
munition.

Punishment.

Enlisted man sell-
ing, loosing or
spoiling military
property.

Punishment.

Striking or offer-
ing violence to
the officer, and
disobeying lawful
command of while
on duty.

Punishment.

Exciting, causing
or joining any
mutiny or sedi-
tion.

Punishment.

Failing to en-
deavor to suppress
mutiny or sedi-
tion, or failing to
give information
having knowledge
that same is in-
tended.

Punishment.

same to contain a false muster, shall, upon proof there-
of by two witnesses, before a court-martial, be dis-
missed from the service, and shall thereby be disabled
to hold any office or employment in the service of the
State of Montana.

Article 9: Any officer, who, wilfully or through
neglect, suffers to be lost, spoiled, or damaged, any
military stores belonging to the United States or the
State of Montana, shall make good the loss or damage,
and be dismissed from the service.

Article 10: Any enlisted man who sells, or wil-
fully or through neglect wastes the ammunition de-
livered out to him shall be punished as a court-martial
may direct.

Article 11: Any enlisted man who sells, or through
neglect loses or spoils his horse, arms, clothing, or
acconterments, shall be punished as a court-martial
may adjudge, subject to such limitations as may be
prescribed by the Commander-in-Chief.

Article 12: Any officer or enlisted man who be-
haves himself with disrespect towards his commanding
officer shall be punished as a court-martial may direct.

Article 13: Any officer or enlisted man who, on
any pretense whatsoever, strikes his superior officer,
or draws or lifts up any weapon, or offers any violence
against him, being in the execution of his office, or
disobeys any lawful command of his superior officer,
shall suffer such punishment as a court-martial may
direct.

Article 14: Any officer or enlisted man who begins,
excites, causes, or joins in any mutiny or sedition,
in any troop, battery, company, party, post, detach-
ment, or guard, shall suffer such punishment as a court-
martial may direct.

Article 15: Any officer or enlisted man who, being
present at any mutiny or sedition, does not use his
utmost endeavor to suppress the same, or having
knowledge of any intended mutiny or sedition does not,
without delay, give information thereof to his com-
manding officer, shall suffer such punishment as a court-
martial may direct.

Article 16: All officers, of what condition soever,

have power to part and quell all quarrels, frays, and disorders, whether among persons belonging to his own or another corps, regiment, troop, battery, or company, and to order officers into arrest, and non-commissioned officers and enlisted men into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or non-commissioned officer, or draws a weapon upon him, shall be punished as a court-martial may direct.

All officers have power to quell quarrels, frays and disorders, and order officers into arrest, and non-commissioned officers and men into confinement.

Punishment for refusing to obey such officer.

Article 17: Any officer who thinks himself wronged by the commanding officer of his regiment, separate battalion, or separate company, and, upon due application to such commander, is refused redress, may complain to the Commander-in-Chief. The Commander-in-Chief shall examine into said complaint and take proper measure for redressing the wrong complained of.

Complaint of officer who thinks himself wronged by his superior officer.

Examination by the Commander-in-Chief.

Article 18: Any enlisted man who thinks himself wronged by any officer may complain to the commanding officer of his regiment, separate battalion, or separate company, who shall examine into such complaint and take proper measures for redressing the wrong complained of. Either party may appeal from such action to a general court-martial; but if, upon such second hearing, the appeal appears to be groundless and vexatious, the party appealing shall be punished at the discretion of said general court-martial.

Complaint of enlisted men to commanding officer of official wrong.

Examination into complaint.

Appeal to general court martial.

Article 19: Any enlisted man who absents himself from his troop, battery, company, or detachment, without leave from his commanding officer shall be punished as a court-martial may direct.

Absence without leave.

Article 20: Any officer or enlisted man who fails, except when prevented by sickness or other necessity, to repair, at the fixed time, to the place of parade, exercise or other rendezvous appointed by his commanding officer, or goes from the same, without leave from his commanding officer, before he is dismissed or relieved, shall be punished as a court martial may direct.

Absence of officer or enlisted men at parade, exercise or other rendezvous without leave.

Article 21: No enlisted man belonging to any regiment, troop, battery, or company shall hire another to do his duty for him, or be excused from duty, except

Cannot hire substitute or be excused from duty except for cause named.

Punishment for hiring duty.

in cases of sickness, disability, or leave of absence. Every enlisted man found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a court-martial may direct.

Reduction of non-commissioned officer for conniving at such hiring. Punishment of officer permitting such practices.

Article 22: Every non-commissioned officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

Officer drunk on duty.

Enlisted man.

Article 23: Every officer who is found drunk on his guard, party, or other duty, shall be dismissed from the service. Any enlisted man who so offends shall suffer such punishment as a court-martial may direct.

Sentinel found asleep or who leaves his post.

Article 24: Any sentinel who is found sleeping upon his post, or leaves it before he is regularly relieved, shall suffer such punishment as a court-martial may direct.

Quitting guard, platoon or division without leave.

Article 25: Any officer or enlisted man who quits his guard, platoon or division without leave from his superior officer except in a case of urgent necessity, shall be punished as a court-martial may direct.

Officer occasioning false alarms.

Article 26: Any officer, who by any means whatsoever, occasions false alarms in camp, garrison or quarters, shall suffer such punishment as a court-martial may direct.

Misbehaving before enemy runs away or shamefully abandons any fort, post or guard, etc.

Article 27: Any officer or enlisted man who misbehaves himself before the enemy, runs away or shamefully abandons any fort, post or guard, which he is commanded to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer such punishment as a court-martial may direct.

Desertion.

Article 28: Every enlisted man who deserts the service of the State of Montana, shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such enlisted man shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried.

Punishment.

To be tried by court martial.

Article 29: Any officer who, having tendered his resignation, quits his post, or proper duties, without

leave and with intent to remain permanently absent therefrom, prior to due notice of acceptance of same, shall be deemed and punished as a deserter.

Officer, after resignation but before acceptance, quits his post or other duty is guilty of desertion.

Article 30: Any officer or enlisted man who advises or persuades any other officer or enlisted man to desert the service of the State of Montana, shall suffer such punishment as a court-martial may direct.

Persuading others to desert.

Article 31: All officers and enlisted men are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, either in walks or trees, parks, warrens, fish ponds, houses, gardens, grain fields, enclosures or meadows, or maliciously destroys any property whatsoever belonging to the inhabitants of the United States or of the State of Montana, shall, besides such penalties as he may be liable to by law, be punished as a court-martial may direct.

Orderly behavior required. Committing waste or spoil or maliciously destroying property of state or Federal Government.

Punishment.

Article 32: Any person in the military service of Montana who makes, or causes to be made any claim against the United States or the State of Montana, or any officer thereof, knowing such claim to be false and fraudulent; or

Making false or fraudulent claims against either government, or presents or causes the same to be presented for payment.

Who presents or causes to be presented to any person in the civil or military service thereof for approval or payment any claim against the United States or State of Montana, or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the State of Montana by obtaining, or aiding others to obtain, the allowance or pay of any false or fraudulent claim; or

Agreement or conspiracy to defraud the state.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance or payment of any claim against the State of Montana or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

Obtaining or aiding in obtaining the allowance of any false or fraudulent clause or statement.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the State of Montana, or any officer thereof, makes, or procures or advises the making of,

Or procures or advises the making of oath to any writing or paper knowing same to be false.

any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Forging or counterfeiting or procuring or advising the forging or counterfeiting of signature, etc.

Who, for the purpose of obtaining, or aiding others to obtain the approval, allowance, or payment of any claim against the State of Montana, or any officer thereof, forges, or countereits, or procures or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

False certificates to receipts for money or other property of the state.

Who, having charge, possession, custody, or control of any money or other property of the State of Montana, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Making or delivering to any person a writing concerning the receipt of any property of the state, without full knowledge of the truth of the statements therein.

Who, being authorized to make or deliver any papers certifying the receipt of any property of the State of Montana, furnished or intended for the military services thereof, makes or delivers to any person, so writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the State of Montana; or

Felonious disposition of any property of the state.

Who steals, embezzles, knowingly and wilfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the State of Montana, such soldier, officer, or other person not having lawful right to sell or pledge the same:

Punishment.

Shall, on conviction thereof, be punished by fine or imprisonment, or by both such fine and imprisonment, or such other punishment as the court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid, while in the military service of the State of Montana, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentenced by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

Liable to punishment by court-martial after discharge or dismissal.

Article 33: Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the military service of the State of Montana.

Conduct unbecoming an officer and a gentleman.

Dismissal.

Article 34: All crimes, not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the military code or laws of the State of Montana, are to be taken cognizance of by a general, or a regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense and punished at the discretion of such court, and such manner as the court may prescribe.

Crimes, not capital, disorders and neglects to the prejudice of good order and military discipline, although not mentioned herein or in the laws of the state are to be taken cognizance of by whom.

Article 35: All retainers to the camp, and all persons serving in the National Guard of Montana in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war, and the laws of the State of Montana, and of the United States of America.

Who subject to the orders, according to the rules and discipline of war and the law.

Article 36: All officers charged with crime shall be arrested and confined in their barracks, quarters, or tents, and deprived of their sabres by the commanding officer. Any officer who leaves his confinement before he is set at liberty by his commanding officer shall be dismissed from the service.

Confinement of officers charged with crime.

Officers leaving confinement.

Article 37. Soldiers charged with crimes shall be confined until tried by court-martial, or released by proper authority. Such confinement may be in the guard-house, or any county jail, or other prison of the State of Montana.

Confinement of soldiers charged with crime.

Article 38. No jailer, sheriff, or keeper of any prison in the State of Montana shall refuse to receive or keep any prisoners committed to his charge by any officer of the National Guard of Montana; Provided, the officer commanding such prisoner shall, at the same time, deliver an account in writing, signed by himself, of the crime charged against the prisoner.

No jailer, sheriff or keeper of any prison shall refuse to receive and keep prisoners committed by officer of National Guard.

Written charge against prisoner to be delivered with him.

Article 39: Every officer of the National Guard of Montana to whose charge a prisoner is committed shall, within twenty-four hours after such commitment, or as soon as he is relieved from his guard, re-

Duty of officer to whom prisoner is committed to report to the commanding officer the name of prisoner, charge and

officer committing him.

Penalty for failure

Officer, without authority to release or permit any prisoner to escape.

Copy of charges must be served upon any officer in arrest for trial, within eight days after arrest.

When prisoner must be brought to trial.

When arrest shall cease.

Officer retained under this section may be brought to trial, when.

Adjutant General may appoint general court-martial when.

When court must be appointed by the Governor.

Who competent to appoint general court martial during war.

When to be appointed by next higher commander.

port in writing to the commanding officer, the name of such prisoner, the crime charged against him, and the name of the officer committing him; and, if he fails to make such report, he shall be punished as the court-martial may direct.

Article 40: Any officer, who presumes, without proper authority to release any prisoner committed to his charge, or suffers any prisoner so committed to escape, he shall be punished as a court-martial may direct.

Article 41: When an officer is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within ten days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial as soon as possible, not exceeding altogether thirty days after a copy of charges is delivered to him. If a copy of the charges is not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest under the provisions of this section may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

Article 42: The commanding officer of the National Guard of Montana, who is the Adjutant General, may appoint general court-martial whenever necessary. But when the commander of the National Guard of Montana is the accuser or prosecutor of any officer in the National Guard of Montana, the court shall be appointed by order of the Governor; and its proceedings and sentence sent direct to the Governor by the Judge Advocate General, for his approval or orders in the premises.

Article 43. In time of war the commander of a brigade, or of a separate regiment of the National Guard of Montana shall be competent to appoint a general court-martial. But when such commanding officer is the accuser or prosecutor of any person under

his command, the court shall be appointed by the next higher commander.

Article 44. With respect to the appointment, organization and procedure before all military courts in the State of Montana, the provisions of the articles of war of the United States for the time being, shall govern, except that such changes in the phraseology thereof shall be made as to make the same applicable to the National Guard of Montana instead of the Army of the United States.

Provisions of articles of war of the United States shall govern in the appointment, organization and procedure before all military courts, the same to be made applicable to the National Guard of the state

Article 45. General courts-martial in the National Guard of Montana may imprison persons convicted either in the penitentiary of the State of Montana or any jail or prison in the State of Montana, or administer any other punishment usual or customary under the laws and usages of the Army of the United States.

Power of general court-martial in regard to place of imprisonment and other punishment.

Article 46. When an officer is dismissed from the service of the National Guard of Montana for cowardice or fraud, the sentence shall further direct that the crime, punishment, name and place of abode of the delinquent, shall be published in the newspapers in and about the camp, and in the county from which the offender came, or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

Dismissal from service for cowardice or fraud.

Sentence to direct what.

Shall be published where.

Article 47. No person shall be liable to be tried and punished by general court martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period. No person shall be tried or punished by a court-martial for desertion in time of peace, and not in the face of an enemy committed more than two years before the arraignment of such person for such offense, unless he shall meanwhile have absented himself from the State of Montana, in which case the time of his absence shall be excluded in computing the period of the limitation; provided, that said limitation shall not begin until the end of the term for which said person was mustered into the service of the State of Montana.

Limitation of time within which person can be tried after crime.

Proviso.

Time within which trial for desertion in time of peace can be had.

Proviso.

When limitation shall begin to run.

A sentence of a court-martial must be approved by whom before execution thereof.

Article 48. No sentence of a court-martial shall be carried into execution until the same shall have been approved by an officer ordering the court or by the officer commanding for the time being.

When sentence directing dismissal of an officer must be confirmed by the Governor.

Article 49. In time of peace no sentence of a court-martial directing the dismissal of an officer shall be carried into execution until it shall have been confirmed by the Governor.

Other sentences to be confirmed by the Governor.

Article 50. No sentence of a court-martial, either in time of peace, or in time of war, respecting a general officer shall be carried into execution until it shall have been confirmed by the Governor.

Execution of sentence when confirmation of the Governor is not required.

Article 51. All sentences of a court-martial may be confirmed and carried into execution by the officer ordering the court, or by the officer commanding for the time being, where confirmation by the Governor is not required by the laws of this State.

What officers shall have power to pardon or mitigate any punishment adjudged, except sentence of death or dismissal of an officer.

Article 52. Every officer who is authorized to order a general court-martial shall have power to pardon or mitigate any punishment adjudged by it, except the punishment of death, or of the dismissal of an officer. Every officer commanding a regiment or garrison in which a regiment or garrison court-martial may be held shall have power to pardon or mitigate any punishment which such court may adjudge.

Duty of the Judge Advocate at a general court-martial to expeditiously forward original proceedings and sentence to the Judge Advocate General.

Article 53. Every Judge Advocate, or person acting as such, at any general court-martial, shall, with such expedition as the opportunity of time and distance of place may permit, forward the original proceedings and sentence of such court to the Judge Advocate General of the National Guard of Montana, in whose office they shall be properly preserved.

Party tried is entitled to copy of proceedings and sentence.

Article 54. Every party tried by a general court-martial shall, upon demand thereof, made by himself or by any person in his behalf, be entitled to a copy of the proceedings and sentence of such court.

U. S. Army rules and regulations relating to rank, duties and rights of officers to apply.

Article 55. In all matters relating to the rank, duties and rights of officers, the same rules and regulations shall apply in the National Guard of Montana as those provided for the Army of the United States.

Article 56. Every Judge Advocate of a court-martial shall have power to issue process or writs of sub-

poena to compel witnesses to appear and testify, which courts of criminal jurisdiction within the State of Montana may lawfully issue.

Power of Judge Advocate to comply attendance of witness.

Article 57. Every person not belonging to the National Guard of Montana who, being duly subpoenaed to appear as a witness before a general court-martial of the National Guard of Montana, wilfully neglects or refuses to appear, or refuses to qualify as a witness, to testify, or refuses to produce documentary evidence which such person may have been legally subpoenaed to produce, when it is in his power to produce the same, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in some court of criminal jurisdiction; and it shall be the duty of the Attorney General of the State of Montana, on the certification of the facts to him by the general court-martial, or the Judge Advocate thereof, to file an information against and prosecute the person so offending, and the punishment of such person on conviction, shall be a fine of not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars or imprisonment in a county jail not exceeding four months, or both such fine and imprisonment, at the discretion of the court.

Non-soldier citizen subpoenaed to appear as witness who wilfully neglects or refuses to do so, or to qualify and testify, etc., is guilty of a misdemeanor.

Punishment.

Duty of the Attorney General in such case.

Punishment.

Article 58. The foregoing articles shall be read and published once in every six months, to every garrison, regiment, troop or company in the service of the State of Montana, and shall be duly observed and obeyed by all officers and soldiers in said service.

Reading and publishing of the foregoing articles.

Section 122. From and after the passage and approval of this Act all railroads or railroad companies operating and doing business in the State of Montana shall carry the troops of the State of Montana, or officers or enlisted men thereof, while in the performance of their military duties within the state, at a rate of not more than one cent per mile.

Rate of passage to be charged troops and officers on duty.

Section 123. All matters relating to the organization, discipline and government of the National Guard not otherwise provided for in this Act or in the general regulations, shall be decided by the custom and usage of the United States Army.

When customs and usage of the United States army shall govern.

Section 124. That Sections 1045 to 1110 inclusive.

Repealing clause.

of the Revised Codes of 1907, and all Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

Section 125. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved March 13th, 1911.

CHAPTER 146.

"An Act to provide for districting of the State of Montana, the appointment of four additional Deputy State Veterinary Surgeons, defining their qualifications, duties and compensation; providing for the testing of Bovine animals, their quarantine, destruction and disposition, under the general supervision of the Live Stock Sanitary Board."

Be it enacted by the Legislative Assembly of the State of Montana:

Districting the State for the purpose of applying the tuberculin test to dairy cattle.

Section 1. The State Live Stock Sanitary Board shall on or before April 1st, 1911, divide the State of Montana into four districts to be known as district No. 1, number 2, number 3, and number 4, for the purpose of applying the tuberculin test to all dairy cattle within the State of Montana.

State Live Stock Sanitary Board to appoint four special deputy State Veterinary Surgeons.

Section 2. The State Live Stock Sanitary Board shall on or before April 1st, 1911, appoint four special deputy State Veterinary Surgeons, whose qualifications shall be the same as those now prescribed by law for Deputy State Veterinary Surgeons, whose duty shall consist of applying the tuberculin test to all dairy cattle within the State of Montana, milk from which is used for public consumption, or sold, disposed of, or given away in any manner for the use of the public. Such Special Deputy State Veterinary Surgeons shall receive the same compensation as is now prescribed by law for Deputy State Veterinary Surgeon and shall be at all times under the direction and supervision of the State Live Stock Sanitary Board and State Veterinary Surgeon and such special Deputy Veterinary Surgeons may be removed by the State Live Stock Sanitary Board at any time.

Qualifications.

Duties of deputy Veterinaries.

Compensation.

May be removed.

Section 3. Each special Deputy State Veterinary Surgeon herein provided for shall be assigned to one

of the districts herein contemplated for the purpose of carrying into effect the provisions of this Act.

One Surgeon to each district.

Section 4. Whenever tuberculosis is discovered in any Bovine animal supplying milk to the public, or any male Bovine animal in a herd supplying milk to the public, the owner of such tuberculous animal must either retain such animal or animals in quarantine under such restrictions, rules and regulations as the State Live Stock Sanitary Board may direct, or such owner may ship such tuberculous animal or animals within the boundaries of this State under the direction of said Board to any abattoir where meat inspection is maintained under the supervision of the United States Bureau of animal industry, or where such inspection is maintained by an official inspector of the State; in the event that such animal or animals are shipped to any abattoir where such meat inspection is maintained and such animal or animals are sold, the owner shall receive the net proceeds of the sale thereof and shall have no further claim against the State on account of such slaughter. In the event that it is impracticable or impossible to ship such tuberculous animals to an abattoir where meat inspection is so maintained by any official inspector of the State; in order of the State Live Stock Sanitary Board.

Duty of owner of bovine animal in which tuberculosis has been discovered at any time.

Quarantine.

If animal is shipped to an abattoir and sold.

When animal may be slaughtered.

Section 5. The carcasses of all animals condemned and slaughtered under the provisions of this Act must be buried or burned under the supervision of the Deputy State Veterinary Surgeon making the inspection and test.

Carcasses of animals slaughtered must be burned under supervision of a deputy State Veterinary Surgeon.

Section 6. All Tuberculin used in the testing of cattle under the provisions of this Act must be manufactured by the United States Bureau of Animal Industry, and not less than six anti, nor less than six post injection temperatures must be taken by the Deputy State Veterinary Surgeon making the test in each and every instance.

What tuberculin to be used in tests.

What to be taken by the Veterinary.

Section 7. There is hereby appropriated out of the General Fund for the carrying out of this Act under the supervision of the State Live Stock Sanitary Board and the State Board of Examiners the sum of Twelve Thousand (\$12,000.00) Dollars, for the year 1911, and

Appropriations to carry out purposes of this act.

the sum of Fifteen Thousand (\$15,000.00) Dollars for the year 1912.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from the date of its passage and approval.

Approved March 14, 1911.

CHAPTER 147.

"An Act prohibiting any person, co-partnership or corporation from obstructing the waters of any navigable lake within the State of Montana, to such an extent that the public cannot have free access to the same, and regulating the handling and disposition of logs floated in and upon such navigable lake, and providing punishments for the violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Regulating the floating of logs and timber upon navigable lakes.

Section 1. Any person or corporation who shall run or float saw logs or other timber upon the surface of any navigable lake within the State of Montana, shall not allow such saw logs or other timber to accumulate along the shore, or in any bay, of such navigable lake, in such a way as to obstruct or interfere with free access to any lands lying between high water mark and low water mark of such lake, and between high water mark and the open waters of such lake so as to leave at all times 150 feet open water along the shore of such lake, except as provided in Section 2 of this Act.

Logs and timber floated on navigable lakes must be disposed of so as to leave free passage between high water mark and open or unobstructed surface of the lake.

Section 2. Any person or corporation using the waters of any navigable lake for floating logs or timber, shall so dispose of such logs and timber along the shore, or in any bay, of any such navigable lake within the State of Montana, that a free passageway from high water mark to the unobstructed surface of such lake shall at all times be left open, and such passageway shall not be less than one hundred and fifty feet in width of open water along the shore of such lake, provided that said logs may be held at a distance of less than one hundred and fifty feet from the shore where the land abutting the water is owned by the

Width of passage way.

Proviso.

same party owning the logs, but if such logs occupy the the water for a distance of six hundred feet or more along the shore of such lake, then and in that event an open channel not less than one hundred feet in width shall be maintained through said logs from the shore, to the open waters of the lake, and one such open channel shall be maintained for each six hundred feet of the shore line that is so obstructed.

Where shore land and logs are owned by same person.

When open channel through the logs shall be maintained.

Section 3. Any person or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding five hundred dollars (\$500.00), or imprisonment in the county jail not exceeding a period of thirty days, or by both such fine and imprisonment.

Violation of the provisions of this act a misdemeanor.

Penalty.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1911.

CHAPTER 148.

An Act to Create and Establish the Office of State Fire Marshal, to Provide for His Appointment, Fixing His Salary and Defining his Duties; and defining the duties and Powers of Certain Other Officials in Relation Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created and established the office of State Fire Marshal, which shall be a department of, and under the supervision and control of the State Auditor and Commissioner of Insurance, Ex-Officio.

Establishing the office of State Fire Marshal.

Section 2. The State Auditor and Commissioner of Insurance, Ex-Officio, is hereby authorized and empowered to appoint immediately, after the approval of this Act, a suitable person, a citizen of this State, who shall be designated as State Fire Marshal, and whose term of office shall be for four (4) years; except, that the first officer appointed under this Act shall hold office until January 1st, 1913, or until his successor is

State Commissioner of Insurance shall appoint the Fire Marshal.

Term of office.

First Marshal appointed shall hold office until Jan. 1st, 1913.

Subject to removal.

appointed and qualified, provided, that such officer is subject at all times to removal by the appointing power.

Salary.

Section 3. The salary of the State Fire Marshal shall be Twenty-one Hundred (\$2100.00) Dollars per annum, payable monthly from the Special Fund as hereinafter provided.

Shall not engage in any other business but be at his office ready for business at all times.

Section 4. The State Fire Marshal shall not engage in any other business. He shall at all times be in the office of the State Fire Marshal, ready for the performance of the duties required of him by law.

When a special deputy fire marshal may be appointed.

Section 5. In an emergency, or during the absence or disability of the State Fire Marshal, the State Auditor and Commissioner of Insurance may appoint a special Deputy Fire Marshal, who shall perform the duties of the office or any duty which may be assigned to him, such appointment to be temporary and to cease when the necessity therefor has been relieved. Said special Deputy shall be allowed and paid at the rate of Five (\$5.00) Dollars per day for each days service performed in the interest of the State under said appointment, during the period for which said appointment was authorized. His claim for per diem for such service and for necessary traveling expense, incurred in the performance of said duties, properly attested and sworn to, shall be filed with the Commissioner of Insurance or State Fire Marshal, who shall certify to the correctness of the same, and refer said claim, so certified, to the State Board of Examiners, and upon their approval, as required by law, said claim shall be paid in the usual manner; provided, that the warrant issued in payment of said claim shall be charged against the amount appropriated for the expenses of the State Fire Marshal's office.

Duties.

Appointment temporary.

Compensation.

Filing of claims for per diem when in service.

The State Fire Marshal and other officer named shall investigate the cause, origin and circumstances of each fire.

Section 6. The State Fire Marshal, the chief of the fire department of each city or village in which a fire department is established, the mayor of each incorporated village in which no fire department exists, and the Justice of the Peace of each organized township without the limits of a village or city, shall investigate the cause, origin and circumstances of each fire occurring in such city, village or township by which such

property has been destroyed or damaged, and shall make an investigation to determine whether the fire was the result of carelessness or design. The investigation shall be commenced within two days, not including Sunday, if the fire occurred on that day, and the State Fire Marshal may superintend and direct the investigation if he deems it necessary.

Investigation to commence when.

Section 7. The officer making an investigation of a fire occurring in a city, village or township, shall forthwith notify the State Fire Marshal, and within one week of the occurrence of the fire shall furnish him a written statement of all facts relating to its cause and origin, and such other information as is required by forms provided by the State Fire Marshal.

Duty of officer investigating fire.

Section 8. An Officer named in the last two preceding sections who neglects to comply with any requirements of this chapter, shall be fined not less than twenty-five dollars, nor more than two hundred dollars.

Written statement to Fire Marshal to be made.

Punishment for violation of provisions of act by officer named in sections 6 and 7.

Section 9. If, in his opinion, further investigation is necessary, the State Fire Marshal, or a Deputy State Fire Marshal, shall take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts, or to have means of knowledge in relation to the matter concerning which an examination is required by law to be and cause such testimony to be reduced to writing.

Duty of Fire Marshal when further investigation deemed necessary.

Section 10. If the State Fire Marshal, or a Deputy is of the opinion that there is evidence sufficient to charge a person with arson or a similar crime, he shall arrest him or cause him to be arrested and charged with such offense. He shall furnish the prosecuting attorney such evidence, with the names of witnesses, and a copy of material testimony taken in the case.

Fire Marshal's duty to arrest any person when there is sufficient evidence of arson or like crime.

Shall furnish the prosecuting attorney with evidence.

Section 11. The State Fire Marshal, or a Deputy State Fire Marshal may summon and compel the attendance of witnesses before him to testify in relation to any matter which by law is a subject of inquiry and investigation, and require the production of any book, paper or document he deems pertinent.

Marshal and deputy has power to summon witnesses and require production of books, papers and documents.

Section 12. The State Fire Marshal, or a Deputy State Fire Marshal, shall have authority to administer

Shall have power to administer oath to witnesses.

False swearing before.

Witness refusing to testify or obey lawful orders of Marshal.

Or is guilty of contemptuous conduct after being summoned.

May be punished for contempt.

Penalty.

Investigation may be private.

Witnesses may be kept separate from each other.

May enter upon and examine any premises when fire has occurred, and adjoining premises.

The Fire Marshal, Chief of Fire Department and other officers named herein, may at all reasonable hours, enter all buildings and premises for the purpose of examinations.

When any officer named in section 15 may order buildings repaired or explosive or inflammable materials removed.

an oath to any person appearing as a witness before him. False swearing in a matter or proceeding shall be perjury and punished as such. A witness who refuses to be sworn or refuses to testify, or disobeys a lawful order of the State Fire Marshal, or a Deputy State Fire Marshal, or fails, or refuses, to produce a book, paper or document concerning a matter under examination, or is guilty of contemptuous conduct after being summoned by such officer to appear before him to give testimony in relation to a matter or subject under investigation, may be summarily punished by such officer as for contempt, by a fine not exceeding one hundred dollars, or be committed to the county jail until such person is willing to comply with the order.

Section 13. Investigation by or under the direction of the State Fire Marshal may in his discretion be private. He may exclude from the place where such investigation is held all persons other than those required to be present, and witnesses may be kept separate from each other and not be allowed to communicate with each other until they have been examined.

Section 14. In the performance of the duties imposed by the provisions of this chapter, the State Fire Marshal and each of his subordinates, at all times of day or night, may enter upon and examine any building or premises where a fire has occurred, and other buildings and premises adjoining or near thereto.

Section 15. The State Fire Marshal, his deputies and subordinates, the chief of the fire department of each city or village where a fire department is established, or the mayor of a city or village where no fire department exists, or the Justice of the Peace of a township in territory without the limits of a city or village, at all reasonable hours may enter into all buildings and upon all premises within their jurisdiction for the purpose of examination.

Section 16. If an officer named in the preceding section finds a building or other structure which for want of proper repair by reason of age and dilapidated condition, or for any cause is specially liable to fire, and which is so situated as to endanger other buildings or property, or if such officer finds in a building,

or upon any premises any combustible or explosive material or inflammable conditions dangerous to the safety of such buildings or premises, he shall order such buildings to be repaired, materials removed or conditions remedied. Thereupon such order shall be complied with by the owner or occupant of such building or premises.

Order to be complied with by the owner or occupant of premises.

Section 17. If the owner or occupant deems himself aggrieved by an order of an officer under the preceding section he may appeal to the State Fire Marshal within twenty-four hours, and the cause of the complaint shall at once be investigated by direction of the State Fire Marshal. Unless such order is revoked by the State Fire Marshal, it shall remain in force and forthwith be complied with by such owner or occupant.

Owner or occupant may appeal to the State Fire Marshal when.

Complaint to be investigated.

Section 18. An owner or occupant of buildings or premises who fails to comply with the orders of the authorities named in the three preceding sections shall be fined not less than ten dollars nor more than fifty dollars for each day's neglect.

Owner or occupant failing to comply with order to be fined.

Penalty.

Section 19. The State Fire Marshal shall keep in his office a record of all fires occurring in the State, the origin of such fires and all facts, statistics and circumstances relating thereto, which have been determined by investigations under the provisions of this chapter. Except the testimony given upon an investigation, such record shall be open at all times to public inspection.

Records of all fires in this state to be kept by the Fire Marshal.

Contents of record.

What part of the record shall be open for public inspection.

Section 20. Chiefs of fire departments and mayors of incorporated villages who do not receive compensation for their services, and Justices of the Peace of organized townships, who are required by the provisions of this chapter to report fires to the State Fire Marshal, shall receive fifty cents for each fire reported to his satisfaction, and fifteen cents per mile for each mile traveled to the place of the fire. At the close of each appropriation year such allowance shall be paid in the same manner as other claims arising in the State Fire Marshal's Department, and as heretofore provided for in this Act.

Compensation of unpaid officers for services herein required.

When and how to be paid.

Section 21. The State Fire Marshal shall keep on file in his office an itemized statement of all expenses

Fire Marshal to keep itemized statement of all expenses incurred.

To approve vouchers.

incurred by the department. He shall approve all vouchers issued therefor before they are submitted to the State Board of Examiners for payment, and thereupon such vouchers shall be allowed and paid as other claims against the State.

Annual report of Marshal to Commissioner of Insurance.

Section 22. The State Fire Marshal shall make an annual report to the Commissioner of Insurance, containing a detailed statement of his official action and the transactions of his department. The Commissioner of Insurance shall, in turn, submit said report to the Governor of the State, with such recommendations and comments thereon as he may deem necessary.

Commissioner of Insurance to submit said report to the Governor with his recommendations and comments.

Official bond of Fire Marshal.

Section 23. The State Fire Marshal shall be required to give a surety bond, furnished by a company authorized to transact surety business in this State, in the sum of Five Thousand Dollars, for the faithful performance of his duties, and shall subscribe and file therewith the oath of office required of all public officers; and, provided further, that any special Deputy Fire Marshal appointed under the provisions of this Act, shall also file the oath of office required of all public officers.

Oath of office.

Oath of office of special deputy.

Tax to be paid annually by Fire Insurance companies for the purpose of maintaining the department of State Fire Marshal.

Section 24. For the purpose of maintaining the department of the State Fire Marshal and the payment of the expenses incident thereto, each fire insurance company doing business in this state shall pay to the State Auditor and Commissioner of Insurance, ex officio, during the month of February or March in each year, in addition to the license fees required by law to be paid by it, provided in Section 4017, Revised Codes of 1907, a tax of one-fourth ($\frac{1}{4}$) of one (1) per cent on the gross premium receipts of such companies, less cancellations and return premiums, on all business transacted by it in the state of Montana during the calendar year next preceding, as shown by its annual statement under oath to the insurance department. The State Auditor and Commissioner of Insurance, ex officio shall pay the money so received into the State Treasury to the credit of a special fund for the maintenance of the office of the State Fire Marshal, to be known as the "State Fire Marshal Fund." If

Money collected to be paid into the State Treasury to be credited to a special fund to be known as "State Fire Marshal Fund."

any portion of such special fund remains unexpended at the end of the year, for which it was required to be paid and the State Fire Marshal so certifies, it shall be transferred to the general fund of the state; provided that such salaries, compensation of special deputies or clerks, and all other expenses of the department of the State Fire Marshal, necessary in the performance of the duties imposed on him by law, shall not exceed in any year the amount paid into the State Treasury for that year by fire insurance companies, as provided herein.

If unexpended balance to be transferred to general fund, when.

Limit to amount to be expended herein.

Section 25. The powers and authority granted by this Act to the State Fire Marshal, are also vested in the Commissioner of Insurance.

Powers of Fire Marshal also vested in Commissioner of Insurance.

Section 26. This Act shall be in full force and effect from and after March 15th, 1911.

When Act shall take effect.

Section 27. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 17, 1911.

HOUSE BILL NO. 400.

"An Act Appropriating money for the Maintenance of the Executive and Judicial Departments of the State Government for two years, commencing March 1, 1911, and ending February 28, 1913."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury for the objects and purposes hereinafter expressed, for the period commencing March 1, 1911, and ending February 29, 1912.

EXECUTIVE DEPARTMENT.

Office of Governor.

For salary of Governor, Five Thousand Dollars.

Salary of Private Secretary, Two Thousand Four Hundred Dollars.

Salary of Stenographer, One Thousand Five Hundred Dollars.

Office & Traveling Expense Governor, One Thousand Five Hundred Dollars.

Montana's Proportion Expense of Governor's Conference, Two Hundred Fifty Dollars.

Office of Secretary of State.

Salary of Secretary of State, Three Thousand Dollars.

Salary of Deputy Secretary of State, Two Thousand One Hundred Dollars.

Salary of Stenographer, One Thousand Five Hundred Dollars.

Extra Clerical Hire, Seven Hundred Dollars.

Office Expense, One Thousand Five Hundred Dollars.

Postage and Expressage Session Laws, Three Hundred Dollars.

For expense of enforcing Act creating office of State Sealer of Weights and Measures, Six Thousand Dollars.

Office of State Treasurer.

Salary of State Treasurer, Three Thousand Dollars.

Salary of Deputy State Treasurer, Two Thousand One Hundred Dollars.

Salary Clerk State Treasurer, One Thousand Eight Hundred Dollars.

Salary Stenographer, One Thousand Two Hundred Dollars.
Traveling Expenses, Five Hundred Dollars.
Office Expense, Five Hundred Dollars.
For Official Bond of State Treasurer, Two Thousand Dollars.

Office of State Auditor.

Salary of State Auditor, Three Thousand Dollars.
Salary Deputy Commissioner of Insurance, Two Thousand One Hundred Dollars.
Salary Deputy Auditor, Two Thousand One Hundred Dollars.
Salary Chief Clerk, One Thousand Five Hundred Dollars.
Salary two Stenographers, each \$1200, Two Thousand Four Hundred Dollars.
Extra Clerical Hire, Office and Traveling Expense, Two Thousand Dollars.
For Employment of Actuary, Insurance Department, Nine Hundred Dollars.

Office of Attorney General.

Salary of Attorney General, Three Thousand Dollars.
Salary of First Assistant, Two Thousand Five Hundred Dollars.
Salary of Second Assistant, Two Thousand Five Hundred Dollars.
Salary of Third Assistant, Two Thousand Five Hundred Dollars.
Salary of Law Clerk, One Thousand Eight Hundred Dollars.
Salary of Stenographer, One Thousand Two Hundred Dollars.
Office and Traveling Expenses, Two Thousand Dollars.

Office of Superintendent of Public Instruction.

Salary of Superintendent of Public Instruction, Three Thousand Dollars.
Salary Deputy Superintendent of Public Instruction, One Thousand Eight Hundred Dollars.
Salary of Clerk, One Thousand Two Hundred Dollars.
Salary of Stenographer, One Thousand Two Hundred Dollars.
Office and Traveling Expense, Two Thousand Dollars.
Expense of Text Book Commission, One Thousand Dollars.

Office of Railroad Commissioners.

Salary of Commissioners, Twelve Thousand Dollars.

Salary of Secretary, Three Thousand Dollars.

Salary of Rate Clerk, Two Thousand Five Hundred Dollars.

Salary of Inspector, One Thousand Eight Hundred Dollars.

Salary of Stenographer, One Thousand Two Hundred Dollars.

Office & Traveling Expenses, Including Extra Clerical Hire, Five Thousand Dollars.

Office of State Examiner.

Salary of State Examiner, Three Thousand Dollars.

Salary of First Assistant, Two Thousand Four Hundred Dollars.

Salary of Second Assistant, Two Thousand One Hundred Dollars.

Salary of Deputy Examiner, One Thousand Eight Hundred Dollars.

Salary of Deputy Examiner (to be authorized), One Thousand Eight Hundred Dollars.

Salary of Clerk, One Thousand Two Hundred Dollars.

Office & Traveling Expenses, Five Thousand Dollars.

Office of State Veterinarian.

Salary of State Veterinarian, Three Thousand Dollars.

Salary of Deputy Veterinarian, One Thousand Five Hundred Dollars.

Salary of Clerk, One Thousand Two Hundred Dollars.

Traveling and Office Expenses Veterinarian, Three Thousand Dollars.

Traveling Expense Deputy Veterinarian, Two Thousand Five Hundred Dollars.

Bureau of Agriculture, Labor and Industry.

Salary of Commissioner, Two Thousand Five Hundred Dollars.

Salary of Chief Clerk, Twenty One Hundred Dollars.

Salary of Stenographer, One Thousand Two Hundred Dollars.

Office and Traveling Expense, Two Thousand Dollars.

Publicity Department.

Salary of Clerk, Two Thousand One Hundred Dollars.

Salary of Stenographer, One Thousand Two Hundred Dollars.

For Publicity Purposes, Including Publishing and Distribut-

ing Literature, Advertising, Office, Traveling, and Other expenses, Five Thousand Dollars.

Office of Boiler Inspector.

Salary of Inspector, Two Thousand Five Hundred Dollars.

Salary of Assistant, Two Thousand One Hundred Dollars.

Salary of Second Assistant, Two Thousand One Hundred Dollars.

Salary of Third Assistant, Two Thousand One Hundred Dollars.

Salary of Clerk, One Thousand Five Hundred Dollars.

Office and Traveling Expense, Five Thousand Dollars.

Office of Mine Inspector.

Salary of Inspector, Two Thousand Five Hundred Dollars.

Salary of Assistant, Two Thousand Four Hundred Dollars.

Office and Traveling Expenses, Two Thousand One Hundred Dollars.

Office of Coal Mine Inspector.

Salary of Inspector, Two Thousand Five Hundred Dollars.

Office and Traveling Expense, One Thousand Five Hundred Dollars.

Office of Adjutant General.

Salary of Adjutant General, One Thousand Eight Hundred Dollars.

Salary of Stenographer (From Bureau of Child and Animal Protection), Three Hundred Dollars.

Office and Traveling Expense, Eight Hundred Dollars.

State Board of Education.

Traveling Expense, Members, One Thousand Five Hundred Dollars.

Office of Consolidated Boards.

Salary of Clerk, Two Thousand One Hundred Dollars.

Office Expense, Three Hundred Dollars.

Extra Clerical Hire, Two Hundred Dollars.

Traveling Expense of Members, Five Hundred Dollars.

State Law Library.

Salary of Librarian, Two Thousand Five Hundred Dollars.

Maintenance and Expense of Library, Eight Hundred Dollars.

Purchase of Books, Two Thousand Dollars.

State Historical Library.

Salary of Librarian, Two Thousand One Hundred Dollars.

Salary of First Assistant, One Thousand Two Hundred Dollars.

Salary of Second Assistant, One Thousand Two Hundred Dollars.

Expense, Including Purchase of Books, Etc., Three Thousand Dollars.

State Board of Horticulture.

Salary of Secretary, One Thousand Dollars.

Expense, Thirteen Thousand Five Hundred Dollars.

Farmer's Institute.

Expense, Ten Thousand Dollars.

State Board of Examiners.

Salary of Clerk, Two Thousand One Hundred Dollars.

Salary of State Accountant, Two Thousand One Hundred Dollars.

Extra Clerical Hire, Two Hundred Dollars.

Traveling Expense Members and Employees, One Thousand Five Hundred Dollars.

Office Expense, One Hundred Fifty Dollars.

Contingent Expense State Board of Examiners.

Contingent Expense, Five Thousand Dollars.

State Board of Health.

Salary of Secretary, Three Thousand Dollars.

Salary of Clerk, One Thousand Two Hundred Dollars.

Stenographer, Twelve Hundred Dollars.

Expense, Three Thousand Dollars.

State Board of Charities and Reform.

Expense, Five Hundred Fifty Dollars.

State Board of Examiners for Coal Mine Inspector.

Salary and Expense, One Thousand Dollars.

Members of Examining Boards, except Coal Mine Inspector, appointed on petition of State Coal Mine Inspector by the Judge of the District Court in any county where coal is mined for compensation and expenses, Fifteen Hundred (\$1500) Dollars, or so much thereof as may be necessary.

Bureau of Child and Animal Protection.

Salary of Secretary, Two Thousand Five Hundred Dollars.

Salary of First Deputy, One Thousand Eight Hundred Dollars.

Salary of Second Deputy, One Thousand Eight Hundred Dollars.

Salary of Third Deputy, One Thousand Eight Hundred Dollars.

Salary of Fourth Deputy, One Thousand Eight Hundred Dollars.

Salary of Fifth Deputy, One Thousand Eight Hundred Dollars.

Salary of Sixth Deputy, One Thousand Eight Hundred Dollars.

Salary of Stenographer, Nine Hundred Dollars.

Office and Traveling Expenses, Seven Thousand Two Hundred Dollars.

State Fair.

Salary of Secretary, Three Thousand Dollars.

Office of State Engineer.

Salary of State Engineer, Two Thousand Five Hundred Dollars.

Field and Office Expense, Seven Hundred Fifty Dollars.

Transportation of Prisoners.

Expense of Sheriffs in Transporting Prisoners to Penitentiary, Six Thousand and Five Hundred Dollars.

For requisitions, Two Thousand Five Hundred Dollars.

For Rewards, Two Thousand Dollars.

For Public Printing, Twenty Thousand Dollars.

For Maintenance and Care of Capitol Building and Grounds, Twenty-five Thousand Dollars.

For Maintenance National Guard, Thirty Thousand Dollars.

Repairs State Armory, Five Thousand Dollars.

State Entomologist.

Expense, Seven Hundred Fifty Dollars.

Fire and Burglar-Proof Safe for office of State Treasurer, Three Thousand Dollars.

For Salary of Acting Governor, Five Hundred Dollars.

For Sheep Inspection and Indemnity Fund, Twelve Thousand and Five Hundred Dollars.

For Stock Inspection and Detective Fund, Twenty Thousand Dollars.

For Live Stock Sanitary Board, Ten Thousand Dollars.

JUDICIAL DEPARTMENT.

Supreme Court.

Salary of Three Justices, Eighteen Thousand Dollars.

Salary of Clerk Supreme Court, Two Thousand Five Hundred Dollars.

Salary of Stenographer Supreme Court, Two Thousand Four Hundred Dollars.

Compensation Justices Reporting Decisions, Four Thousand Five Hundred Dollars.

Salary of Marshal, Twelve Hundred Dollars.

Salary of Attendant, One Thousand Two Hundred Dollars.

Office and Other Expense Clerk Supreme Court, Five Hundred Dollars.

Expense Court not otherwise Provided for, Five Hundred Dollars.

Salaries District Judges, Eighty-eight Thousand Dollars.

Expenses of Judges Sitting in Places of Other Judges, Two Thousand Dollars.

Salary of County Attorneys, Twenty-eight Thousand Dollars.

For Printing Montana Reports, One Thousand Eight Hundred Dollars.

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated for the objects and purposes hereinafter expressed, for the period commencing March 1, 1912, and ending February 28, 1913.

EXECUTIVE DEPARTMENT.

Office of Governor.

Salary of Governor, Five Thousand Dollars.

Salary of Private Secretary, Two Thousand Four Hundred Dollars.

Salary of Stenographer, One Thousand Five Hundred Dollars.

Office and Traveling Expense Governor, One Thousand Five Hundred Dollars.

Montana's Proportion Expense of Governor's Conference, Two Hundred Fifty Dollars.

Office of Secretary of State.

Salary of Secretary of State, Three Thousand Dollars.

Salary of Deputy, Two Thousand One Hundred Dollars.

Salary of Stenographer, One Thousand Five Hundred Dollars.

Extra Clerical Hire, Seven Hundred Dollars.

Office Expense, One Thousand Five Hundred Dollars.

For enforcing the provisions of Act creating the office of State Sealer of Weights and Measures, Six Thousand Dollars.

Office of State Treasurer.

Salary of State Treasurer, Three Thousand Dollars.

Salary of Deputy, Two Thousand One Hundred Dollars.

Salary of Clerk, One Thousand Eight Hundred Dollars.

Salary of Stenographer, One Thousand Two Hundred Dollars.

Traveling Expense, Five Hundred Dollars.

Office Expense, Five Hundred Dollars.

Official Bond, Two Thousand Dollars.

Office of State Auditor.

Salary of Auditor, Three Thousand Dollars.

Salary Deputy Commissioner of Insurance, Two Thousand One Hundred Dollars.

Salary of Deputy Auditor, Two Thousand One Hundred Dollars.

Salary of Chief Clerk (to be authorized), One Thousand Five Hundred Dollars.

Employment of Actuary Insurance Department, Nine Hundred Dollars.

Salary of two Stenographers, each \$1200, Two Thousand Four Hundred Dollars.

Extra Clerical Hire, Office and Traveling Expense, Two Thousand Dollars.

Office of Attorney General.

Salary of Attorney General, Three Thousand Dollars.

Salary of First Assistant, Two Thousand Five Hundred Dollars.

Salary of Second Assistant, Two Thousand Five Hundred Dollars.

Salary of Third Assistant, Two Thousand Five Hundred Dollars.

Salary of Law Clerk, One Thousand Eight Hundred Dollars.

Salary of Stenographer, One Thousand Two Hundred Dollars.

Office and Traveling Expense, Two Thousand Dollars.

Office of Superintendent of Public Instruction.

Salary Superintendent of Public Instruction, Three Thousand Dollars.

Salary of Deputy. One Thousand Eight Hundred Dollars.

Salary of Clerk. One Thousand Two Hundred Dollars.

Salary of Stenographer, One Thousand Two Hundred Dollars.

Office and Traveling Expense, Two Thousand Dollars.

Expense of Text Book Commission, One Thousand Dollars.

Office of Railroad Commissioners.

Salary of Commissioners, Twelve Thousand Dollars.

Salary of Secretary, Three Thousand Dollars.

Salary of Rate Clerk, Two Thousand Five Hundred Dollars.

Salary of Inspector, One Thousand Eight Hundred Dollars.

Salary of Stenographer, One Thousand Eight Hundred Dollars.

Office and Traveling Expense, Including Extra Clerical Hire, Five Thousand Dollars.

Office of State Examiner.

Salary of State Examiner, Three Thousand Dollars.

Salary of First Assistant, Two Thousand Four Hundred Dollars.

Salary of Second Assistant, Two Thousand One Hundred Dollars.

Salary of Deputy Examiner, One Thousand Eight Hundred Dollars.

Salary of Deputy Examiner (To be authorized), One Thousand Eight Hundred Dollars.

Salary of Clerk. One Thousand Two Hundred Dollars.

Office and Traveling Expenses, Five Thousand Dollars.

Office of State Veterinarian.

Salary of Veterinarian, Three Thousand Dollars.

Salary of Deputy Veterinarian, One Thousand Five Hundred Dollars.

Salary of Clerk, One Thousand Two Hundred Dollars.

Traveling and Office Expense Veterinarian, Three Thousand Dollars.

Traveling Expense Deputy Veterinarian, Two Thousand Five Hundred Dollars.

Bureau of Agriculture, Labor and Industry.

Salary of Commissioner, Two Thousand Five Hundred Dollars.

Salary of Chief Clerk, Twenty-one Hundred Dollars.

Salary of Stenographer, One Thousand Two Hundred Dollars.

Office and Traveling Expense, Two Thousand Dollars.

Publicity Department.

Salary of Clerk, Two Thousand One Hundred Dollars.

Salary of Stenographer, One Thousand Two Hundred Dollars.

For Publicity Purposes, including Publishing and Distributing Literature, Advertising, Office, Traveling, and other Expense, Five Thousand Dollars.

Office of Boiler Inspector.

Salary of Inspector, Two Thousand Five Hundred Dollars.

Salary of Assistant, Two Thousand One Hundred Dollars.

Salary of Second Assistant, Two Thousand One Hundred Dollars.

Salary of Third Assistant, Two Thousand One Hundred Dollars.

Salary of Clerk, One Thousand Five Hundred Dollars.

Office and Traveling Expense, Five Thousand Dollars.

Office of Mine Inspector.

Salary of Inspector, Two Thousand Five Hundred Dollars.

Salary of Assistant, Two Thousand Four Hundred Dollars.

Office and Traveling Expense, Two Thousand One Hundred Dollars.

Office of Coal Mine Inspector.

Salary of Inspector, Two Thousand Five Hundred Dollars.

Office and Traveling Expense, One Thousand Five Hundred Dollars.

Office of Adjutant General.

Salary of Adjutant General, One Thousand Eight Hundred Dollars.

Salary of Stenographer (From Bureau of Child and Animal Protection), Three Hundred Dollars.

Office and Traveling Expense, Eight Hundred Dollars.

State Board of Education.

Traveling Expense of Members, One Thousand Five Hundred Dollars.

Office of Consolidated Boards.

Salary of Clerk, Two Thousand One Hundred Dollars.

Office Expense, Three Hundred Dollars.

Extra Clerical Hire, Two Hundred Dollars.

Traveling Expense Members, Five Hundred Dollars.

State Law Library.

Salary of Librarian, Two Thousand Five Hundred Dollars.

Maintenance and Expense Library, Eight Hundred Dollars.

Purchase of Books, Two Thousand Dollars.

Expense moving to new quarters, Four Hundred Fifty Dollars.

Cost of Additional Book Cases and Equipment, Three Thousand Dollars.

Cost of Additional Furniture, Etc., One Thousand Dollars.

State Historical Library.

Salary of Librarian, Two Thousand One Hundred Dollars.

Salary First Assistant, One Thousand Two Hundred Dollars.

Salary Second Assistant, One Thousand Two Hundred Dollars.

Expense, Including Purchase of Books, Etc., Three Thousand Dollars.

State Board of Horticulture.

Salary of Secretary, One Thousand Dollars.

Expense, Thirteen Thousand Five Hundred Dollars.

Farmer's Institute.

Expense, Ten Thousand Dollars.

State Board of Examiners.

Salary of Clerk, Two Thousand One Hundred Dollars.

Salary of State Accountant, Two Thousand One Hundred Dollars.

Office Expense, One Hundred Fifty Dollars.

Extra Clerical Hire, Two Hundred Dollars.

Traveling Expense Members and Employees, One Thousand Five Hundred Dollars.

Contingent Expense State Board of Examiners.

Contingent Expense, Five Thousand Dollars.

State Board of Health.

Salary of Secretary, Three Thousand Dollars.

Salary of Clerk, One Thousand Two Hundred Dollars.

Salary of Stenographer, One Thousand Two Hundred Dollars.

Expense, Three Thousand Dollars.

State Board of Charities and Reform.

Expense, Five Hundred Fifty Dollars.

State Board of Examiners for Coal Mine Inspector.

Salary and Expense, One Thousand Dollars.

Members of Examining Boards, except Coal Mine Inspector, appointed on petition of State Coal Mine Inspector by the Judge of the District Court in any county where coal is mined for compensation and expenses, Fifteen Hundred (\$1500) Dollars, or so much thereof as may be necessary.

Bureau of Child and Animal Protection.

Salary of Secretary, Two Thousand Five Hundred Dollars.

Salary of First Deputy, One Thousand Eight Hundred Dollars.

Salary of Second Deputy, One Thousand Eight Hundred Dollars.

Salary of Third Deputy, One Thousand Eight Hundred Dollars.

Salary of Fourth Deputy, One Thousand Eight Hundred Dollars.

Salary of Fifth Deputy, One Thousand Eight Hundred Dollars.

Salary of Sixth Deputy, One Thousand Eight Hundred Dollars.

Salary of Stenographer, Nine Hundred Dollars.

Office and Traveling Expenses, Seven Thousand Two Hundred Dollars.

Montana State Fair.

Salary of Secretary, Three Thousand Dollars.

Office of State Engineer.

Salary of State Engineer, Two Thousand Five Hundred Dollars.

Field and Office Expense, Seven Hundred Fifty Dollars.

Transportation of Prisoners.

Expense of Sheriffs in transmitting Prisoners to Penitentiary, Six Thousand Five Hundred Dollars.

For Requisitions, Two Thousand Five Hundred Dollars.

For Rewards, Two Thousand Dollars.

For Public Printing, Twenty Thousand Dollars.

For Maintenance and Care of Capitol Building and Grounds, Twenty-five Thousand Dollars.

For Maintenance of National Guard, Ten Thousand Dollars.

State Entomologist.

Expense, Seven Hundred Fifty Dollars.

For Salary of Acting Governor, Five Hundred Dollars.

For Sheep Inspection and Indemnity Fund, Twelve Thousand Five Hundred Dollars.

For Stock Inspector and Detective Fund, Twenty Thousand Dollars.

For Live Stock Sanitary Board, Ten Thousand Dollars.

JUDICIAL DEPARTMENT.

Supreme Court.

Salary of Three Judges, Eighteen Thousand Dollars.

Salary of Clerk Supreme Court, Two Thousand Five Hundred Dollars.

Salary Stenographer Supreme Court, Two Thousand Four Hundred Dollars.

Compensation Justices Reporting Decisions, Four Thousand Five Hundred Dollars.

Salary Marshal, Twelve Hundred Dollars.

Salary Attendant, One Thousand Two Hundred Dollars.

Office and Other Expense Clerk Supreme Court, Five Hundred Dollars.

Expense Court Not Otherwise Provided for, Five Hundred Dollars.

Salaries District Judges, Eighty-Eight Thousand Dollars.

Expense of Judges sitting in Places of Other Judges, Two Thousand Dollars.

For Salaries County Attorneys, Twenty-Eight Thousand Dollars.

For Printing Montana Reports, One Thousand Eight Hundred Dollars.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 9, 1911.

HOUSE BILL NO. 401.

"An Act appropriating money for the maintenance and improvements of the various State Institutions of Montana, for two years, commencing March 1st, 1911, and ending February 28, 1913."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same hereby are appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period commencing March 1, 1911, and ending February 29, 1912.

STATE INSTITUTIONS.

Maintenance Insane Asylum and Care of Insane, Two Hundred and Five Thousand Dollars.

Maintenance State Prison and Care of Prisoners, One Hundred Forty-five Thousand Dollars.

Improvement and betterments of the State Prison, Seventy-five Thousand Dollars.

Maintenance of Agricultural College, Fifty Thousand Four Hundred Fifty Dollars.

Maintenance of School of Mines, Thirty-three Thousand Dollars.

Maintenance of School for Deaf and Blind, Fifty Thousand Dollars.

Maintenance of State University, Eighty-six Thousand Dollars.

Maintenance of the Reform School, Thirty Thousand Dollars.

Maintenance of Normal School, Fortyone Thousand, Eight Hundred and Twenty Dollars.

Maintenance of Orphans' Home, Forty-five Thousand Dollars.

Maintenance of Soldiers' Home, Twenty-nine Thousand Five Hundred Dollars.

MISCELLANEOUS.**Orphans' Home.**

Improvements, Seventy-five thousand dollars.

Agricultural College.

For Construction of an Engineering Building, Thirty Thousand Dollars.

University.

Purchase of Additional Ground, Twenty Thousand Dollars.

Repair, Fences, Sewer and Walks, Two Thousand Dollars.

Construction of an Engineering Building, Twenty-five Thousand Dollars.

Maintenance Lecture and Correspondence Courses State University, One Thousand Dollars.

Maintenance Summer School State University, Five Thousand Dollars.

School of Mines.

Purchase of Additional Ground and Improvements of Grounds, Thirty-five Thousand Dollars.

For the construction of a Dormitory, Twenty Thousand Dollars.

Reform School.

Manual Training School, Five Thousand Dollars.

Sewer Improvements, Four Thousand Dollars.

Normal School.

Improvements, Nineteen Thousand Seven Hundred Fifty Dollars.

Deaf and Blind School.

Construction of Buildings for the Feeble Minded, Fifty Thousand Dollars.

Agricultural Experiment Station.

Experiment Stations, Twenty Thousand Dollars.

Dry Sub-station Fergus County, Three Thousand Dollars.

Improvements for Fergus County Sub-station, Four Thousand Five Hundred Dollars.

Green Houses, Ten Thousand Dollars.

Construction of Sheds and other buildings, Four Thousand Dollars.

Demonstration Dry Land Farming, Sixteen Thousand Dollars.

Construction of buildings and water systems Ravalli Horticultural Sub-station, Two Thousand Five Hundred Dollars.

Maintenance Ravalli Horticultural Sub-station, Two Thousand Dollars.

Maintenance State Fair, Fifty-two Thousand Dollars.

Betterment of State Fair, Five Thousand Dollars.

Purchase of Additional Land for State Fair, Twenty Thousand Dollars.

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects and pur hereinafter expressed, for the period commencing March 1, 1912, and ending February 28, 1913.

STATE INSTITUTIONS.

Maintenance of Insane Asylum and Care of Insane, Two Hundred Fifteen Thousand Dollars.

Maintenance of State Prison and Care of Prisoners, One Hundred Fifty-five Thousand Dollars.

Improvement and Betterment of the State Prison, Eighty-five Thousand Dollars.

Maintenance Agricultural College, Fifty-one Thousand Seven Hundred and Fifty-five Dollars.

Maintenance of School of Mines, Thirty-five Thousand Dollars.

Maintenance of School for Deaf and Blind, Sixty Thousand Dollars.

Maintenance of State University, Eighty-nine thousand dollars.

Maintenance of Reform School, Thirty Thousand Dollars.

Maintenance of Normal School, Forty-one Thousand Eight Hundred twenty Dollars.

Maintenance Orphans' Home, Fifty Thousand Dollars.

Maintenance Soldiers' Home, Twenty-eight Thousand Five Hundred Dollars.

MISCELLANEOUS.

Agricultural College.

Completion of Engineering Building, Thirty Thousand Dollars.

University.

Purchase of Additional Ground, Twenty Thousand Dollars.

Completion of Engineering Building, Twenty-five Thousand Dollars.

Maintenance Lecture and Correspondence Courses State University, One Thousand Dollars.

Maintenance Summer School State University, Five Thousand Dollars.

Deaf and Blind School.

Completion of, and furnishing Buildings for the Feeble Minded, Eighty Thousand Dollars.

Reform School.

Manual Training School, Five Thousand Dollars.

Agricultural Experiment Station.

Experiment Stations, Twenty-two Thousand Five Hundred Dollars.

Dry Farm Sub-station, Fergus County, Three Thousand Dollars.

Demonstration Dry Land Farming, Twenty Thousand Dollars.

Maintenance Ravalli Horticultural Sub-station, Two Thousand Dollars.

Maintenance State Fair, Twenty Thousand Dollars.

Betterment State Fair, Five Thousand Dollars.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 13, 1911.

HOUSE BILL NO. 2.

A Bill For An Act Entitled "An Act to Appropriate Money For the Payment of Mileage And Per Diem Of The Members of the Twelfth Legislative Assembly Of The State Of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

1. Section 1. That the sum of Seventy-five Thousand Dollars (\$75,000.00), or so much
2. thereof as may be necessary, be, and the same is hereby appropriated out of any
3. money in the State Treasury, not otherwise appropriated, for the payment of the
4. mileage and per diem of the members of the Twelfth Legislative Assembly of the
5. State of Montana.
6. Section 2. This act shall be in force and effect from and after its passage and
7. Approval.

Approved Jany. 6th, 1911.

HOUSE BILL NO. 3.

A Bill For An Act Entitled "An Act to Appropriate Money For The Payment Of The Per Diem Of The Officers and Attaches Of The Twelfth Legislative Assembly Of The State Of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

1. Section 1. That the sum of Twenty-five Thousand Dollars (\$25,00.00), or so much
2. thereof as may be necessary, be, and the same is hereby appropriated out of any
3. money in the State Treasury, not otherwise appropriated, for the payment of the
4. per diem of officers and attaches of the Twelfth Legislative Assembly of the
5. State of Montana.
6. Section 2. This act shall be in force and effect from and after its passage and
7. approval.

Approved Jany. 6th, 1911.

HOUSE BILL NO. 4.

A Bill For An Act Entitled "An Act Making An Appropriation Of Money For The Incidental Expenses Of The Twelfth Legislative Assembly Of The State Of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

- 1 Section 1. That the sum of Ten Thousand (\$10,000.00), Dollars, or so much thereof
2. as may be necessary, be, and the same is hereby appropriated out of any money in
3. the State Treasury, not otherwise appropriated, to pay the incidental expenses of
4. the Twelfth Legislative Assembly of the State of Montana.
5. Section 2. This Act shall be in force and effect from and after its passage and
6. approval.

Approved Jany. 6th, 1911.

HOUSE BILL NO. 8.

"An Act Appropriating Money For The Eradication Of Orchard Pests and Diseases From Orchards In The State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Thousand Dollars (\$5000.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated to pay the expenses necessary and required for the purpose of eradicating Orchard Pests and Diseases from orchards in the State of Montana.

Section 2. Said appropriation shall be expended under the direction of the State Board of Horticulture and in such manner and times as said board may direct.

Section 3. The State Auditor is hereby authorized to draw his warrant for such sums as may be expended by such Board of Horticulture under the provisions of this Act, and the State Treasurer is directed to pay same.

Section 4. This Act shall be in force and effect after its passage and approval by the Governor.

Approved January 31, 1911.

HOUSE BILL NO. 28.

"An Act appropriating money for the payment to Conley & McTague Company of the amount due it for property belonging to it within the Prison Walls and adjacent to the State Prison necessary to be used by the State in the conduct and management of the State Prison at Deer Lodge, Montana,"

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and there is hereby appropriated from the General Fund out of any moneys not otherwise appropriated for the year 1911, the sum of Thirty Thousand (\$30,000.00) Dollars, and for the year 1912 the sum of Thirty Thousand (\$30,000.00) Dollars, or so much thereof as may be necessary, to be applied and expended by the State Board of Prison Commissioners in the purchase of certain property belonging to Conley & McTague Company now within the prison walls or adjacent thereto, necessary to be used in the proper conduct of the State's Prison at Deer Lodge, Montana, the property being that which was recommended to be purchased by the State by the Prison Appraisal Committee appointed by

the Eleventh Legislative Assembly by duly and regularly adopted joint committee report signed by Norton, Chairman, and by the State Board of Prison Commissions; which report of said Prison Appraisal Committee was duly and regularly made and filed with the Board of Prison Commissioners on October 18th, 1909, and by said Board transmitted to the Twelfth Legislative Assembly on January 2nd, 1911, together with the report and recommendations of said Board of Prison Commissioners. Said appropriations also to be used and applied in the purchase of certain additional property, as to which, either the said Prison Appraisal Committee failed to fix a valuation, or overlooked, to-wit:

Property appraised by Appraisal Committee	\$44,573.28
Real Estate	3,550.00
Additional Clothing and Furnishing	966.71
Substitution of Actual Cost of Superintendency for Architect's Estimate	899.00
Outside Power and Heating Plant	1,178.53
Vegetable Peeler	274.13
Broom Machinery	42.47
Sewers	701.60
Platform Scales and Wagon Scales	110.00
Blood Hounds	500.00
Wood Saw Outfit	177.50
Raising of Stack and Cost of installing temporary Boiler Plant while installing new Boilers.....	191.93
Interest on Money Advanced for Permanent improvements from date of Expenditure until July 1, 1908..	9,480.55
	\$62,645.60
Less Deduction made by Conley & McTague company in addition to Appraisal Committee's depreciation deduction	2,645.60
	\$60,000.00

Section 2. The Board of Prison Commissioners is hereby empowered and directed with the concurrence of the State Board of Examiners to expend and apply the money hereby appropriated for the purchase of the above mentioned property belonging to Conley & McTague Company, and to apply the appropriations in the purchase of said property for the years 1911 and 1912, as may seem most advantageous to the State.

Section 3. This Act shall be in full force and effect from and after it passage and approval.

Approved February 25, 1911.

HOUSE BILL NO. 32.

An Act Making An Appropriation For The Expenses Of The Farmers' Institutes For the Months of January and February, 1911.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Dollars (\$2000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of the expenses of holding Farmers' Institutes during the months of January and February, 1911.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved Jany. 31, 1911.

HOUSE BILL NO. 71.

"An Act to appropriate Two Hundred and Fifty Dollars (\$250.00) for the payment of the deficiency claim of Dr. D. S. McKenzie, for service as Meat and Milk Inspector, in the County of Chouteau, from December 1st, 1904 to March 31, 1905, inclusive."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred and Fifty (\$250.00) or so much thereof as may be necessary be, and the same is, hereby appropriated out of moneys in the State Treasury, not otherwise appropriated, to pay the deficiency claim of Dr. D. S. McKinzie for service as Meat and Milk Inspector, in Chouteau County, for the period of four months, from December 1st, 1904, up to and including March 31st, 1905.

Section 2. The State Auditor is hereby authorized and directed to draw a warrant in favor of the person named, and for the amount as shown in Section one of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 6, 1911.

HOUSE BILL NO. 88.

"An Act To appropriate Money Out Of The Fish And Game Fund For The Maintenance, Operation And Betterments Of The State Fish Hatchery At Anaconda, Montana For The Years 1911 And 1912.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the Fish and Game Fund, not otherwise appropriated, in the State Treasury, the following sums of money for the following purposes, to-wit:

(a) The sum of twelve thousand five hundred (\$12,500) dollars for the maintenance, operation and betterments of the State Fish Hatchery at Anaconda, Montana for the year 1911;

(b) The sum of twelve thousand five hundred (\$12,500) dollars for the maintenance, operation and betterments of the State Fish Hatchery at Anaconda, Montana for the year 1912.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 11, 1911.

HOUSE BILL NO. 105.

"An Act Appropriating Money For The Erection Of Greenhouses And Farm Buildings At The Montana Agricultural Experiment Station At Bozeman.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ten Thousand Dollars (\$10,000) is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the erection and equipment of greenhouses at the Montana Agricultural Experiment Station at Bozeman.

Section 2 That the sum of Four Thousand Dollars (\$4000) is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, for the erection and equipment of an horticultural Store-room and root cellar, an isolation hospital, an implement shed and work shop, a wagon shed and a silo at the Montana Agricultural experiment Station at Bozeman.

Section 3. The above sum of Ten Thousand Dollars (\$10,000) is appropriated for the fiscal year ending November

30, 1911, and Four Thousand Dollars (\$4000) is appropriated for the year ending November 30, 1912.

Section 4. This Act shall be in full force and affect from and after its passage and approval.

Approved March 10th, 1911.

HOUSE BILL NO. 133.

"An Act to appropriate Money for certain Repairs and Improvements at the Montana School for the Deaf and Blind at Boulder, Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Thousand Six Hundred (\$3,600.00) Dollars is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the purpose of fencing, grading and seeding lawn, building cement walks, and otherwise improving the grounds at the Montana School for the Deaf and Blind at Boulder, Montana.

Section 2. That the sum of One Thousand Six Hundred (\$1,600.00) Dollars, is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for a Printing Press, material and equipment for making books for the blind.

Section 3. That the sum of Six Thousand (\$6,000.00) Dollars is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for erecting a Horse Barn, Granary and Machine Sheds on the said School Ranch.

Section 4. That the sum of Two Thousand Eight Hundred (\$2,800.00) Dollars, is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the purpose of acquiring a water right, building a reservoir and piping water to said School Barns and Ranch House.

Section 5. That the sum of Two Thousand Dollars (\$2,000.00) is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the purchase of Dairy Cows for said school.

Section 6. That of said sum of Sixteen Thousand (\$16,000.00) Dollars, hereinabove appropriated, the sum of Eight Thousand (\$8,000.00) Dollars be made available for the fiscal year ending November 30th, 1911; and that the remaining Eight Thousand (\$8,(\$8,000.00) Dollars be made available for the fiscal year ending November 30th, 1912.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1911.

SUBSTITUTE FOR HOUSE BILL NO. 166.

"An Act To Appropriate Money For The Continuance Of The Work Of The State Live Stock Sanitary Board During January And February, 1911."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of the general fund from moneys not otherwise appropriated the sum of Five Hundred (\$500.00) Dollars, for the aid of the work of the State Live Stock Sanitary Board, which said amount, Five Hundred (\$500.00) Dollars, has been approved by the State Board of Examiners as necessary for the continuance of the work of said Board.

Section 2. This Act shall be in full force and effect from and after its passage.

Approved Feby. 25th, 1911.

HOUSE BILL NO. 234.

An Act appropriating money for the payment to the estate of James O'Donnell, deceased, of the sum of One Hundred Sixty-five Dollars and Forty Cents, turned into the Treasury of the State of Montana through error by the Board of Commissioners for the Insane.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred Sixty-five Dollars and Forty Cents, is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to reimburse the estate of James O'Donnell committed to the State Insane Asylum, from the County of Powell, and who died at the said State Insane Asylum; said amount being the balance due to the said estate of said James O'Donnell.

Section 2. That a warrant in the sum of One Hundred Sixty-five Dollars and Forty Cents be drawn by the State Auditor of the State of Montana, in favor of D. C. Frint, administrator of the estate of the said James O'Donnell, and that the Treasurer of the State of Montana pay the same upon presentation in accordance with the provisions of Section One hereof.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1911.

HOUSE BILL NO. 240.

"An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred Twenty-seven Dollars be, and the same hereby is appropriated out of the State Bounty Fund for the purpose of paying the following bounty claims, which have been examined by the State Board of Examiners, but not allowed by said board because of technical defects therein:

Harry Ford	\$21.00
E. J. Hawn	3.00
J. S. Carnal	12.00
Chas. T. Eline	25.00
R. S. Ford	9.00
W. P. Russell	3.00
Jas. H. Tucker	9.00
H. W. Martin	15.00
B. E. Stack	3.00
Bonner Merc. Co.	15.00
John E. Hofman	12.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named and for the amounts set opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 2, 1911.

HOUSE BILL NO. 241.

"An Act appropriating money for the payment of deficiency claims for expenses of the State Boiler Inspector."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Four Hundred Dollars, or so much thereof as may be necessary be, and the same hereby is appropriated out of any money in the State Treasury, not

otherwise appropriated, to pay deficiency claims on account of expenses of the State Boiler Inspector up to and including February 28, 1911.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the persons holding said deficiency claims on account of the expenses of said Boiler Inspector up to and including February 28, 1911, in an amount not exceeding Four Hundred Dollars, and the State Treasurer is hereby directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1911.

HOUSE BILL NO. 269.

"An Act appropriating money for the payment of the claim of C. F. Leslie, for salary as Meat and Milk Inspector for Flathead County, between September 18, 1906, and April 20, 1907, in accordance with the provisions of Sections 1512, 1513, 1514, 1515, Part III, Title VII, Chapter I, Article II, of the Revised Codes of Montana, 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Hundred and Eighty seven and 25-100ths (\$587.25) Dollars be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay in accordance with Section 1512, 1513, 1514, 1515, Part III, Title VII, Chapter I, Article II, of the Revised Codes of the State of Montana, 1907, the claim of C. F. Leslie, for salary while acting as the duly and regularly appointed Meat and Milk Inspector for the County of Flathead, between September 18th, 1906, and April 20th, 1907.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said C. F. Leslie for the amount named in Section 1 of this Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 2, 1911.

HOUSE BILL NO. 288.

"An Act Appropriating money for the payment of lost Bounty Claim."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred Fifty (\$150.00) Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the Bounty Fund not otherwise appropriated, to pay the claim of Henry F. Schwartz on account of a lost bounty claim.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said Henry F. Schwartz for the sum of One Hundred Fifty (\$150.00) Dollars, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its apassage and approval.

Approved March 4, 1911.

HOUSE BILL NO. 289.

An Act to appropriate money for the purchase and erection of a suitable tablet and monument to the memory of former Governor Robert B. Smith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Five Hundred (\$2,500.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys, not otherwise appropriated, for the purchase and erection of a tablet and monument in memory of former Governor Robert B. Smith.

Section 2. That the above sum of two thousand five hundred (\$2,500.00) shall be payable by the Treasurer of the State of Montana, upon order properly signed by the State Board of Examiners, and that the State Board of Examiners be and are hereby authorized to contract for the purchase, erection, construction and placing of such monument, as said Board of Examiners may determine, at the grave of the said Robert B. Smith, and for the purchase and placing of such tablet in memory of the said Robert B. Smith, as said State Board of Examiners may determine in the State Capitol."

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 3rd, 1911.

HOUSE BILL NO. 324.

"An Act appropriating the sum of Two Hundred and Fifty (250.00) Dollars to pay the deficiency in the expense account of the Bureau of Child and Animal Protection."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred and Fifty (250.00) Dollars be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose of paying the deficiency in the expense account of the Bureau of Child and Animal Protection.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person holding the deficiency claim on account of the expenses of the Bureau of Child and Animal Protection up to March First 1911, and the State Treasurer is hereby directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1911.

HOUSE BILL NO. 343.

"An Act to Appropriate Money to pay the Expenses of the members of the Twelfth Legislative Assembly and Committees thereof, in investigating the condition and value of the Property of Mitchell and Musigbrod used in the care of the Insane of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of three hundred twenty-five dollars or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the State treasury not otherwise appropriated to pay the expenses of the Joint investigating committee to investigate the condition and value of the property of Mitchell and Musigbrod used in the care of the insane at Warm Springs, Montana, and for the purpose of paying the expenses of members of the Legislature other than said Committee in making similar investigation.

Section 2. The State Auditor is hereby authorized to draw his warrant for all claims for expenses incurred in such investi-

gation in favor of the person or persons entitled to the same upon such claim being approved and ordered paid by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1911.

HOUSE BILL NO. 376.

"An Act to pay employees of the Senate and House, as provided in Sections 76 and 81 of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred (\$100.00) Dollars be and the same is hereby appropriated to pay, in accordance with Sections 76 and 81 of the Revised Codes of Montana of 1907, as follows to-wit:

Nathan Godfrey, Secretary of the Senate,	\$50.00
Finley McRae, Chief Clerk of the House,	\$50.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said Nathan Godfrey and Finlay McRae, for the sum of Fifty (\$50.00) Dollars respectively and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval by the Governor.

Approved March 3, 1911.

HOUSE BILL NO. 390.

"An Act to appropriate money for the payment of the per diem of officers and attaches of the Twelfth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Nine Thousand (\$9000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the payment of the per diem of the officers and attaches of the twelfth legislative assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved March 2, 1911.

HOUSE BILL NO. 397.

"An Act appropriating money to pay deficiency claims incurred in the office of the Coal Mine Inspector and the Board of Examiners for Coal Mine Foreman and Mine Boss."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Hundred Thirty-six and 5-100 (\$636.05) dollars be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated for the purpose of paying the following deficiency claims incurred in connection with the office of Coal Mine Inspector and the State Board of Examiners for Coal Mine Foreman and Mine Boss, the same being approved by the State Board of Examiners as true and just claims:

C. J. E. Ratzloff,	\$40.50
Robert Herdry,	25.00
Thomas Gibb,	15.00
William Ralph,	70.70
T. J. Evans,	76.00
D. M. Elder,	15.00
F. F. Bossnot,	20.00
James Pearson,	15.00
Michael Finnan,	32.50
John Gibbons,	22.10
Charles Taylor,	15.00
Edmund A. Bartl,	15.00
Tim Garrity,	44.00
Robert Herdry,	48.75
Michael Finnan,	46.90
Thos. Conway,	45.00
Charles Taylor,	20.70
Geo. Forsyth,	20.00
Thos. Good,	49.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named and for the amount set opposite their names as shown in Section 1 of this Act and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1911.

HOUSE BILL NO. 408.

"An Act appropriating money for the payment of certain expenses incurred by the Joint Senate and House Mines Investigating Committee and authorizing the payment of the same."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Sixteen Hundred Seventy-three and 72-100 (\$1673.72) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of the following claims and expenses incurred by the Joint Senate and House Mines Investigating Committee:

Dan Sullivan	\$26.60
Jos. Guelfi	26.60
John Viskers	20.60
Patrick Cloonan	23.60
John Daily	23.60
James McGuire	23.60
John Gillie	23.60
John Pope	23.60
Dr. T. J. Murray	23.60
Dr. Maginn	23.60
Dr. P. H. McCarthy	23.60
J. C. Lowney	56.60
Dan Holland	56.60
Jacob Oliver	68.20
E F Boyle	303.20
I A Leighton	39.60
C P Tooley	39.60
J E Leary	39.60
W E Christopher	39.60
J C McCarthy	39.60
P J Duffy	39.60
J C Duffy	39.60
Nelson Story, Jr.	39.60
M. Hewitt	39.60
Owen Byrnes	39.60
Pelletier & Crowther	470.82
Joseph Corby	33.10
John Driscoll	26.60

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named and for the amount set opposite their names as shown in Section One of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1911.

HOUSE BILL NO. 416.

"An Act to appropriate the sum of One Thousand (\$1,000.00) Dollars, or so much thereof as may be necessary to pay the per diem and mileage of the members of the Joint Committee to investigate the affairs of the State Board of Stock Commissioners, and to pay the mileage and per diem of witnesses required to testify before said committee, and providing for the payment thereof, and for other purposes."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one thousand (\$1000.00) Dollars or so much thereof as may be necessary, be, and the same is, hereby appropriated out of the moneys in the State Treasury not otherwise appropriated, to pay the mileage and per diem of the Joint Committee consisting of John Survant, Thomas Stout, and H. N. Sykes, members of the Senate, and J. L. Asbridge, S. O. N. C. Brady, W. E. McMurray and T. J. Murray, members of the House of Representatives, appointed to investigate the affairs of the State Board of Stock Commissioners, while attending meetings of said Committee, after adjournment of the Twelfth Legislative Assembly, and to pay the mileage and per diem of witnesses who may be required to testify before said Committee.

Section 2. That the Auditor is hereby authorized and directed, upon presentation to him of properly verified claims duly approved by said Committee, to issue warrants in favor of the person or persons entitled to receive mileage and per diem for attending meetings of said Committee, either as a member of said Committee, or as a witness required to testify before it, and the State Treasurer is hereby authorized and directed to pay any and all warrants so issued.

Section 3. All acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1911.

HOUSE BILL NO. 418.

"An Act appropriating money for the payment of the deficiency claims and salary of the members of the Supreme Court, the District Judges of the State, and the County Attorneys of the State, for the quarter ending February twenty-eighth, 1911."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Hundred Fifty (\$350.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the salary of the Justices of the Supreme Court of the State of Montana, for the quarter ending February 28th, 1911.

Section 2. That the sum of Seven Thousand Six Hundred (\$7600.00) Dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the salary of the District Judges of the State of Montana, for the quarter ending February 28th, 1911.

Section 3. That the sum of One Thousand (\$1000.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the salary of the County Attorneys of the State of Montana, for the quarter ending February 28th, 1911.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1911.

HOUSE BILL NO. 421.

An Act appropriating Money for the Payment of Deficiency Claims for the Maintenance of the National Guard and Expenses of Adjutant General's Office, authorized by the State Board of Examiners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred and Twenty-five (\$225.00) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay deficiency bills necessarily incurred in the maintenance of the National Guard and expenses of Adjutant General's Office, as author-

ized and allowed by the State Board of Examiners.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1911.

HOUSE BILL NO. 425.

"An Act appropriating money to defray the expenses incurred by Neil Collins in serving on Workingmen's Compensation Committee."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seventy-four (\$74.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the expenses incurred by Neil Collins in serving on workingmen's compensation Committee.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said Neil Collins for the amount specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 3, 1911.

HOUSE BILL NO. 429.

"An Act appropriating money for the payment of deficiency claims for the expenses of the director of the State Fish Hatchery."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Nine Hundred Eighty-two and 60-100ths (\$1982.60) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the state Treasury to the credit of the Fish and Game Fund, not otherwise appropriated, to pay deficiency claim on account of expenses of C. F. Healea, Director of the State Fish Hatchery, up to and including January 31st, 1911.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the persons hold deficiency claims on account of expenses of the Director of the State Fish Hatch-

ery, including January 31st, 1911, in an amount not exceeding One Thousand Nine Hundred Eighty-two and 60-100ths (\$1982.60) Dollars and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1911.

HOUSE BILL NO. 430.

An Act appropriating money for the payment of deficiency claims for expense of State Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Hundred four and 83-100ths (\$304.83) dollars be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay deficiency claims on account of expense of State Treasurer.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the State Treasurer on account of expense of State Treasurer to February 28th, 1911, in an amount not exceeding Three Hundred four and 83-100ths (\$304.83) dollars.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1911.

HOUSE BILL NO. 431.

"An Act appropriating money for the payment of deficiency claims of the State Prison during the year ending March 1, 1911."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and there is hereby appropriated out of any moneys in the State Treasury to the credit of the general fund, not otherwise appropriated, the sum of Forty Thousand (\$40,000) Dollars, or so much thereof as may be necessary for the purpose of paying certain deficiency claims of the state prison incurred in its maintenance during the year ending March 1, 1911.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made, upon presentation to and approval by the state board of examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1911.

HOUSE BILL NO. 435.

"An Act to appropriate money to purchase certain appliances for the office of State Examiner and to defray certain expenses of said office."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the following purposes:

For the office of State Examiner:

For purchase of steel filing cases Three Hundred and Seventy-five (\$375.00) Dollars,

For adding machine, Five Hundred (\$500.00) Dollars,

For expense of meetings of National and State Supervisors of banks, Five Hundred (\$500.00) Dollars.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force from and after its passage and approval.

Approved March 3, 1911.

HOUSE BILL NO. 440.

"An Act to appropriate money for the payment of the claim of certain persons for expenses incurred by the State Board of Examiners for Coal Mine Inspector for the year ending February 28, 1911.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Hundred Eighty-one and 25-100 (\$681.25) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated to pay the claim of the following persons for expenses incurred by the State Board of Examiners for Coal Mine Inspector for the year ending February 28, 1911:

Howard N. Stockett
Richard Price

\$344.30
216.65

C. C. Anderson
Helena Stamp Works

108.30
12.00

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the persons named for the amounts set down as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 3, 1911.

SENATE BILL NO. 20.

An Act to appropriate money for the measurement of streams and water-sheds and the compilation of data pertaining to the use and conservation of the waters of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The sum of Six Thousand Dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated; Three Thousand Dollars of said sum to be available during the year 1911, and Three Thousand Dollars to be available during the year 1912. Said money to be used by the State Engineer under the direction of the Carey Land Act Board for the purpose of measuring streams and water sheds and the compilation of data pertaining to the use and conservation of the waters of Montana as authorized in paragraph two, three and four of Section 2244 of the Revised Codes of 1907. Any money appropriated by this section that shall be used in measuring streams or water sheds that are now or will hereafter become a part of a Carey Project, shall be reimbursed out of money collected by the Carey Land Act Board from the Project of which it is a part.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1911.

SENATE BILL NO. 61.

An Act appropriating money for the payment of the Anaconda Copper Mining Company for Labor and material furnished in connection with the construction and maintainance of the State Fish Hatchery at Anaconda, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the claim of the Anaconda Copper Mining Company in the sum of nine thousand one hundred forty-six and 45-100 dollars (\$9,146.45) as presented to the State Board of Fish Commissioners and by them approved, said claims being for labor and material expended by the said Anaconda Copper Mining Company in connection with the construction and maintainance of the State Fish Hatchery at Anaconda, Montana, be, and the same is hereby approved in said sum and there is hereby appropriated out of the moneys of the Fish and Game Fund of the State Treasury not otherwise appropriated, the sum of nine thousand one hundred forty-six and 45-100 dollars (\$9,146.45) to pay said claim of the Anaconda Copper Mining Company.

Section 2. The State Auditor is hereby authorized and directed to draw a warrant in favor of the said Anaconda Copper Mining Company, above named, in the amount specified in Section One (1) of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after passage and approval.

Approved Feby 16, 1911.

SENATE BILL NO 151.

An Act appropriating money to pay fees and expenses of a Special Prosecutor and a Special Accountant employed to investigate the affairs of the State Board of Stock Commissioners and to prosecute all actions arising out of such investigation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eight Thousand Dollars (\$8000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of the State Treasury, not otherwise appropriated, to pay the fees and expenses to be incurred by George E. Hurd, Special Prosecutor, in investigating the affairs of the State Board of Stock Commissioners, and.

for instituting and prosecuting any and all actions, civil, criminal, or otherwise, arising out of the conduct of the business and affairs of said Board, or its employees.

Section 2. That the sum of Two Thousand Dollars (\$2,000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of the State Treasury, not otherwise appropriated, to pay the salary and expenses to be incurred by John Dawson, Special Accountant, in investigating, checking up, auditing and examining the books, accounts and papers belonging to the office of the State Board of Stock Commissioners; provided that the said accountant shall furnish to the State Examiner a full report of the result of his investigation, and shall furnish such testimony as may be required at the trial of any action, civil, criminal, or otherwise, growing out of the conduct of the affairs of said State Board of Stock Commissioners, or its employees.

Section 3. That the said John Dawson shall monthly make an account of his expenses, verified by affidavit, to the State Board of Examiners, together with a statement of his salary for each month, which shall be Two Hundred Dollars (\$200.00) per month, all of which shall be verified, and which statement and account the said Board of Examiners shall examine as provided by law, and if found correct, allow the same.

Section 4. That the said Special Prosecutor shall also monthly make an account of his expenses, which shall include the salary of any stenographer necessarily employed by him as such, verified by affidavit, to the State Board of Examiners, who shall in the manner provided by law, examine, and if found correct allow the same; and the said Special Prosecutor shall quarterly make an account of his fees, verified by affidavit to be approved by the Joint Committee created by Senate Concurrent Resolution No. 2, adopted by the Twelfth Legislative Assembly of the State of Montana, and file the same with the State Board of Examiners, who shall, in the manner provided by law, examine, and if found correct, allow the same.

Section 5. That the State Auditor is hereby authorized to draw his warrants in favor of the said George E. Hurd, Special Prosecutor, and the said John Dawson, Special Accountant, for the several sums allowed by the State Board of Examiners, and the State Treasurer is directed to pay the same.

Section 6. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4, 1911.

SENATE BILL NO 187.

An Act appropriating money for the Payment of a Deficiency Claim for Services Rendered and Supplies Furnished the Montana State Fair Association during the year 1910.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Four Thousand Seven Hundred and Fifteen Dollars and Sixty Cents (\$4715.60) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay deficiency claims for services rendered and supplies furnished the Montana State Fair Association during the year 1910.

Section 2. The State Auditor is hereby authorized to draw his warrants in an amount not exceeding the sum of Four Thousand Seven Hundred and Fifteen Dollars and Sixty Cents, (\$4715.60) and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1911.

SENATE BILL NO. 188.

An Act to appropriate money to pay the cost of investigating the Carey land projects and other state lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the various sums set opposite the respective names hereinafter set forth, and the State Auditor is hereby authorized to draw his warrant payable to each of the respective persons in the particular amount set opposite each name, and the State Treasurer is directed to pay the same.

W. W. Withee	\$	3.00	Per diem
T. A. Marlow		3.00	" "
N. W. Thompson		6.00	" "
George K. Reeder		23.00	" " and mileage

H. S. Hepner	3.00	"	"	
David Hilger	3.00	"	"	
George W. Weed	26.00	"	"	and mileage
John W. Shields	6.00	"	"	
John McGinness	3.00	"	"	
A. K. Prescott	3.00	"	"	
R. A. Carnochran	3.00	"	"	
G. R. Metlen	3.00	"	"	
James Sulgrove	49.00	"	"	and Mileage
James Stanfford	6.00	"	"	
S. A. Yergy	37.00	"	"	and mileage
James Glass	6.00	"	"	
E. O. Clark	43.00	"	"	and Mileage
George B. Archibald	3.00	"	"	
H. W. Rowley	60.00	"	"	and mileage
H. R. Thompson	6.00	"	"	
J. J. Fitzpatrick	3.00	"	"	
T. T. Black	37.00	"	"	and mileage
M. J. Haley	242.55	"	"	" " " "

and expenses subpoenaing witnesses. Charles H. Cooper 497.70, Taking and transcribing testimony.

N. Sheehan 92.00 Taking and transcribing testimony.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect from and after its passage and approval.

Approved March 3, 1911.

SENATE BILL NO. 189.

"An act appropriating money to reimburse O. W. Hinote for improvements on land sold to him by the State, and to which the State failed to give him title."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Hundred Dollars (\$300.00) be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to reimburse O. W. Hinote for improvements in the way of breaking and building irrigating ditches for, and upon certain State lands sold to him by the State, on March 28th, 1908, and to which the State was unable afterwards to give title, for the reason that it had lost the same to the United States, and

the said Hinote thereby lost the ditches he had constructed upon said land and the breaking he had done upon same, while he held a contract of purchase of the same from the State.

Section 2. The State Auditor is hereby authorized to draw a warrant in favor of O. W. Hinote for Three Hundred Dollars (\$300.00), and the State Treasurer is hereby directed to pay the same.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1911.

HOUSE JOINT RESOLUTION NO. 2.

WHEREAS, both houses of the sixty-first congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the constitution of the United States of America, in the following words, to-wit:

"A joint resolution proposing an amendment to the constitution of the United States,"

"RESOLVED, by the senate and house of representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), that the following article is proposed as an amendment to the constitution of the United States, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the constitution, namely,

Article XVI. The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."

THEREFORE, be it resolved by the senate and house of representatives of the State of Montana, that the said proposed amendment to the constitution of the United States of America be, and the same is hereby, ratified by the general assembly of the State of Montana.

AND, FURTHER BE IT RESOLVED, that certified copies of this joint resolution be forwarded by the governor of this state to the secretary of state at Washington and to the presiding officers of each house of the national congress.

Approved January 31, 1911.

HOUSE JOINT RESOLUTION NO. 3.

Introduced by Jordan.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, it was the manifest intention of Congress when the territory of Montana was admitted into the Union as a State to set aside and donate public lands to aid in the establishment of all public institutions, following a long established precedent; and,

WHEREAS, it is the desire of the people of the State of Montana to establish a Hospital for the care and treatment of indigent persons in said state who are suffering from tuberculosis;

NOW, THEREFORE, BE IT RESOLVED; that we, your memorialists petition and earnestly urge that there be set aside and donated out of and from the unappropriated lands of the United States lying and being within the borders of the State of Montana 50,000 acres in aid and on account of such Hospital.

BE IT FURTHER RESOLVED; that the Secretary of State be and is hereby instructed to forthwith transmit copies of this memorial, properly authenticated, to the Secretary of the Interior and to our senators and representatives in Congress.

Approved January 24, 1911.

HOUSE JOINT MEMORIAL NO 3.

To the Honorable Senate and House of Representatives in Congress Assembled:

WHEREAS, a National Forest Reserve has been established in central western Montana, known as the Snowy Mountains National Forest, and

WHEREAS, the territory included within such Snowy Mountains National Forest, is the natural home of great numbers of game animals, and

WHEREAS, such game animals have not now in the State of Montana, any place or shelter where they are safe from the destruction of hunters, and

WHEREAS, it is deemed advisable that these game animals should be preserved and allowed to breed and grow without molestation of hunters,

NOW, THEREFORE, BE IT RESOLVED, the Senate

concurring, that we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to, at as early a date as practicable authorizing the President of the United States by Proclamation or Executive order to set aside and designate the territory included within the Snowy Mountains National Forest as a game preserve wherein the natural wild game will be forever protected and immune from the attacks of the hunters.

RESOLVED FURTHER, That a copy of this Memorial be forwarded by the Secretary of State of the State of Montana to the Senate of the United States, and a copy thereof be forwarded by the Secretary of State of the State of Montana to the House of Representatives at Washington, D. C., and

FURTHER, That a copy thereof be transmitted by the Secretary of State of the State of Montana to each of the Representatives of the State of Montana in the Congress of the United States with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

Approved March 4, 1911.

HOUSE JOINT RESOLUTION NO. 4.

Whereas, it is the sense of the Twelfth Legislative Assembly of the State of Montana and there is need for six typewriting machines for use in the House of Representatives, and need of one typewriting machine for use in the Senate, and

Whereas, some of the typewriting machines in use in the two Houses of the Twelfth Legislative Assembly of the State of Montana are antiquated, and the efficiency of others is impaired by reason of their condition.

Now, THEREFORE, Be It Resolved, the Senate concurring, that the Secretary of State be and is hereby authorized to immediately purchase six typewriting machines for use in the House of Representatives and one for the Senate; and

Be It Further Resolved, that the Secretary of State is also empowered to sell, trade or otherwise dispose of any typewriting machines which in his judgment should be disposed of at any time before the convening of the Thirteenth Legislative Assembly of the State of Montana.

Approved Feby. 9th, 1911.

HOUSE JOINT MEMORIAL NO. 6.

Requesting the Congress of the United States to take steps to prohibit the changing of the old names of Montana's mountains and streams.

To the Honorable Senate and House of Representatives in Congress Assembled:

WHEREAS, the government officials in charge of the work of making Geological, Topographical, and other Government Surveys, of Montana, both in and out of forest reserves, have seen fit to change the old names of many of our mountains and streams, and,

WHEREAS, the old names index Montana's early history, and should be preserved as part of the old West.

NOW, THEREFORE, BE IT RESOLVED, the Senate concurring, we the Twelfth Legislature of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation forbidding the changing of names of Montana's mountains, rivers and streams, and to make it obligatory upon those in authority to use the old names in making maps of this state.

BE IT FURTHER RESOLVED, that the Secretary of State be and is hereby instructed to transmit properly authenticated copies of this Resolution to the Secretary of the Interior, our Senators and Representatives in Congress, the director of the United States Geological Survey; and to the President of the United States Senate and Speaker of the House of Representatives.

Approved March 3, 1911.

HOUSE JOINT MEMORIAL NO. 7.

"WHEREAS, it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof, and

"WHEREAS, the practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

"RESOLVED, (if the Senate concur), That the application be made and hereby is made to Congress under the provisions of Article V of the Constitution of the United States for the calling of a Convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

"RESOLVED, That the Legislature of all other States of the United States, now in session or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or an equivalent resolution.

"RESOLVED FURTHER, That the Secretary of State be and he hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several members of said bodies representing this state therein; also to transmit copies hereof to the Legislatures of all other States of the United States."

Approved March 1, 1911.

HOUSE JOINT MEMORIAL NO. 8.

Memorial to Congress praying for the enactment of Legislation that will relieve the settlers on the Public Domain, wherein their improvements were destroyed by Forest Fires. Be It Resolved by the House of Representatives of the State of Montana, the Senate Concurring:

THAT WHEREAS, during the year A. D., 1910, extensive and devastating forest fires have destroyed the homes of large numbers of homestead settlers on the public domain, and destroyed their improvements, live stock, and the fruits of their labor of many years; and

WHEREAS, they are practically bankrupt and unable to comply with the rigorous demands of the Federal Homestead laws, and as it is necessary for them to seek other labor and employment to support themselves and families, and of necessity must absent themselves from their homesteads; and

WHEREAS, they cannot, within the time allowed by the United States Homestead laws, accumulate enough money to restore their homes, dwellings, improvements, and make their homesteads self-sustaining, and comply with the requirements of said homestead laws,

NOW, THEREFORE, BE IT RESOLVED by the Legislative Assembly of the State of Montana, that we respectfully petition the National Congress to pass an Act of Congress providing that final homestead proof be permitted to be made by all bona fide homestead settlers who have had their homes and improvements destroyed by forest fires, and who have actually and continuously resided on said homestead lands for a period of at least two years immediately preceding the first day of November, A. D., 1910, and who have expended at least the sum of One Thousand (\$1,000.00) Dollars on said homesteads in placing buildings, fences, improvements and orchards thereon, and in work upon and in cultivating the same, and that United States Patents issue to such homestead settlers after making such proof, under such rules and regulations as may be prescribed by said Act of Congress or by the Secretary of the Interior.

RESOLVED, That a certified copy of this resolution be forwarded by the Secretary of State of Montana to our Senators and Representatives in Congress.

Approved March 2, 1911.

HOUSE JOINT RESOLUTION NO. 8.

WHEREAS, A Joint Committee, consisting of John Survant, Thomas Stout and H. N. Sykes, members of the Senate, and J. L. Asbridge, S. O. N. C. Brady, W. E. McMurray and T. J. Murray, members of the House of Representatives, has heretofore been appointed under the terms of a concurrent resolution heretofore adopted to investigate the affairs of the State Board of Stock Commissioners:

And WHEREAS, The Said Committee, on account of the volume of work required of it, in making such investigation, will be unable to complete said investigation prior to the adjournment of the regular session of the Twelfth Legislative Assembly:

And WHEREAS, In order to complete the said investigation, it will be necessary for said Committee to hold meetings to carry on its work after the adjournment of this Assembly,

Now, THEREFORE, BE IT RESOLVED by the House of Representatives, and Senate concurring, that said Committee is hereby directed, authorized and empowered to carry on its work, and prosecute to completion, the investigation now

being conducted by said Committee, and said Committee is required, empowered and authorized to hold, after the adjournment of this Assembly, as many meetings and hearings at such times and places as in the discretion of said Committee may be necessary, and said Committee is hereby authorized and empowered to require the attendance of any and all witnesses necessary to the proper performance of its duties, and said Committee is authorized and empowered, through its chairman, to issue subpoenas to require the attendance of any person or persons before said Committee, and to compel such person or persons to testify under oath, and to produce for examination by said Committee, any books, papers and other documentary evidence of any nature or character under the control of such person or persons, and said Committee is authorized and empowered to require the Sheriff of any County of the State of Montana, in which said Committee may hold any of its meetings, to serve subpoenas issued by it;

And, Be It Further Resolved by the House of Representatives, the Senate concurring, that said Committee is directed, upon completion of its work, to make its report and recommendations to the Governor, and said Committee shall have the same power and authority in all matters connected with said investigation after the adjournment of this Assembly as said Committee had during the regular session of said Assembly.

Approved March 1st, 1911.

HOUSE JOINT MEMORIAL NO. 10.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Twelfth Legislative Assembly, of the State of Montana do hereby submit for your consideration the following memorial:

WHEREAS: For a long period of time controversies have arisen over the alleged trespass upon the Crow Indian Reservation of stock ranging upon the public lands of the United States contiguous to said Reservation; and

WHEREAS, settlers living adjacent to said Reservation have been compelled to submit to the impounding of their stock ranging upon their own lands whenever the same would cross over the line and be found upon said Reservation; and

WHEREAS, the Crow Indians upon said Reservation, acting under the direction of the Agent and Superintendent in charge, have been permitted to gather such stock and impound the same and exact a payment of One Dollar (\$1.00) per head before its release; and,

WHEREAS, recent events have disclosed a willingness on the part of said Indians to so gather stock actually ranging beyond the exterior boundaries of said Reservation and after driving the same upon the Reservation to exact the payment aforesaid, by reason whereof serious controversies have arisen and much ill feeling has been engendered between said settlers and said Indians;

THEREFORE, THE TWELFTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA respectfully request the immediate passage of such legislation as will provide for the fencing of said Crow Indian Reservation upon the west and south sides thereof, the only sides of said Reservation necessary to be fenced, the north and east sides thereof being protected by natural barriers.

Approved March 2nd, 1911.

HOUSE JOINT MEMORIAL NO. 11.

To the Honorable Senate and House of Representatives in Congress of the United States Assembled:

WHEREAS, there is now pending before the Congress of the United States a bill to enact into law the trade agreement between the United States of America and the Dominion of Canada, and

WHEREAS, the ratification of this agreement will materially reduce the present high cost of living to the people of the United States, and will furnish an increased market for the products of the Northwest,

Now, THEREFORE, be it resolved by the House of Representatives of the Twelfth Legislative Assembly of the State of Montana, the Senate concurring, that this Assembly hereby urgently petition the Congress of the United States to ratify said trade agreement without delay.

Approved March 4th, 1911.

HOUSE JOINT MEMORIAL NO. 12.

Memorializing the Congress of the United States to create a Commission whose duties shall be to classify and segregate all Agricultural Lands in Forest Reserves in the United States. To the Honorable Senate and House of Representatives in Congress Assembled:

WHEREAS: Large areas of agricultural lands are included in the various forest reserves of the United States that are more valuable for agriculture than for forestry; and,

WHEREAS: The same should be speedily opened to actual and bona fide settlers applying for same under the Homestead laws.

NOW, THEREFORE, BE IT RESOLVED the Senate concurring:

That, we, the Twelfth Legislature of the State of Montana do hereby petition the Congress of the United States that a commission of three persons be appointed for each state in which forest reserves are located. Said commission to consist of one resident of such state and one person connected with the forestry service and one person whose residence shall not be in the state. The duties of said commission shall be to enforce the laws relative to homesteads in the forest reserves in a just and liberal manner, and to immediately pass on the application of all persons applying for homesteads upon such reservations.

BE IT FURTHER RESOLVED: That the Secretary of State be and he is hereby instructed to transmit properly authenticated copies of this Resolution to the Secretary of the Interior, our Senators and Representatives in Congress, to the President of the United States Senate and to the Speaker of the House of Representatives.

Approved March 2, 1911.

HOUSE JOINT MEMORIAL NO. 15.

WHEREAS, by the terms of a treaty entered into between the United States of America and the government of Russia in the year 1832, it was provided that the inhabitants of each of the respective contracting states and all of such inhabitants should be at liberty to sojourn and reside in all parts of the territories of the other and should enjoy the same security and protection as natives of the country wherein they reside, on

condition of their submitting to the laws and ordinances there prevailing; and

WHEREAS, the said government of Russia now claims the right, under the provisions of such treaty, to exclude from its territories American citizens of the Jewish faith, because of local laws and ordinances; and

WHEREAS, the American people have always regarded the said treaty as guaranteeing to all our citizens the right of sojourn within the Russian Empire without discrimination on account of either race or creed; and

WHEREAS, the premises being recited, a resolution is now pending before the National House of Representatives calling for the termination of the said treaty because of the unwarrantable construction so put upon it, after due notice to the government of Russia, and

WHEREAS, in the opinion of this House such exclusion of American citizens on any such ground is contrary to the spirit of the age and particularly obnoxious to the sentiment of religious toleration historically characteristic of the people of this country;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the State of Montana, the Senate concurring:

That the resolution so pending before the Congress merits the approbation of all lovers of liberty and justice and ought to be adopted without delay.

RESOLVED that the representatives in Congress from this state be, and they hereby are, urged to use all honorable means to procure the speedy passage of the said resolution and action in accordance therewith by the department of state.

RESOLVED that a copy of this memorial, duly attested by the Secretary of State, be by him transmitted to the President of the United States, the presiding officer of each House of Congress and to the Senators and Representatives in Congress from the State of Montana.

Approved March 6, 1911.

SENATE JOINT MEMORIAL NO. 1.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, we believe it to be to the everlasting benefit

and advantage of the State of Montana, and its people, and to the best interests of the nation at large, that the Crow Reservation should be speedily opened for settlement and all Indian rights adjusted:

NOW THEREFORE, be it Resolved, the House of Representatives concurring, that we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to, at as early a date as practicable, open for settlement the lands embraced within the Crow Reservation situated in the southeastern portion of the State of Montana.

RESOLVED, FURTHER; that a copy of this memorial be forwarded by the Secretary of State to the Honorable Secretary of the Interior, and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

Approved January 23, 1911.

SENATE JOINT RESOLUTION NO. 1.

Joint Resolution Relative to Election of United States Senators by Popular Vote.

WHEREAS, a large number of State Legislatures have, at various times, adopted memorials and resolutions in favor of electing United Senators by the direct vote of the people of the respective States, and

WHEREAS, a large number of State Legislatures have created Senatorial Direct Election Commissions, therefore

BE IT RESOLVED by the General Assembly of the State of Montana:

Section 1. That the Legislature of the State of Montana, in accordance with the provisions of Act V of the Constitution of the United States, desires to join with the other States of the Union, and respectfully request that a convention of the several states be called for the purpose of proposing amendments to the Constitution of the United States, and hereby apply to and request the Congress of the United States to call such convention and to provide for the submitting to the several states the amendments so proposed for ratification by the legislatures thereof, or by conventions therein, as one or the other mode of ratification may be proposed by the Congress.

Section 2. That at the said convention, the State of Montana, will propose, among other amendments, that Section 3 of Article I, of the Constitution of the United States should be amended, so that the Senators from each state shall be chosen by the electors thereof, as the Governor is now chosen.

Section 3. A Legislative Commission is hereby created to be composed of the Governor and four members to be appointed by him, not more than two of whom shall belong to the same political party, to be known as the Senatorial Direct Election Commission of the State of Montana. It shall be the duty of the said Legislative Commission to urge action by the Legislatures of the several states, and by the Congress of the United States, to the end that a convention may be called, as provided in Section 1 hereof. That the members of said commission shall receive no compensation.

Section 4. That the Governor of the State of Montana is hereby directed to transmit certified copies of this Joint Resolution and Application to both Houses of the United States Congress, to the Governor of each State in the Union, to the Honorable Representatives and Senators in Congress from Montana, who are hereby requested and urged to aid, by their influence and vote to the end that the United States Senators shall be elected by Popular vote.

Approved February 2, 1911.

SENATE JOINT MEMORIAL NO. 2.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS: The settlers under the Lower Yellowstone Project, Montana, North Dakota, executed and delivered to the Lower Yellowstone Water Users Association, a Corporation, a Contract subscribing for stock in said corporation, which empowered such corporation under the directions of the Secretary of the Interior, to sell their homesteads unless the owners make application for water rights, and comply with the provisions of the Act of Congress, of June 17th, 1902, and that such contracts were executed with the understanding that the cost of the Project to them should not exceed \$30.00 per acre of their holdings; and

WHEREAS: The cost of construction of said Project has exceeded the original estimated cost \$750,000, increasing the

cost thereof to the settlers to \$42.50 per acre; and

WHEREAS: Five years time is required for a settler to level and fit his homestead for successful irrigation and the profitable production of crops thereon, so as to enable him to make the required annual payments of maintenance and cost of construction therefrom; and

WHEREAS: The settlers of the Lower Yellowstone Project experienced a severe crop failure during the past season, the land returning in many instances less than the seed, and many of said settlers are in straitened condition; and

WHEREAS: The Banks and Merchants along the Lower Yellowstone Project are unable to advance further credit to said settlers; and

WHEREAS: It is entirely impossible for said settlers to pay to the Government the annual installments for construction until they are able to take the same from the soil; and

WHEREAS: Many settlers, prior to the initiation of said project had secured from the Government tracts of land embracing more than 80 acres, and the Secretary of the Interior, by his ruling, has required such settlers to reduce their holdings to 80 acre tracts, the same being adopted as the farm unit under said Project by him, which said ruling the said settlers denounce as unjust and demand that the same be abrogated;

NOW, THEREFORE, BE IT RESOLVED, the House concurring, that we, the Twelfth Legislative Assembly, of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation, at as early date as possible, providing that the settlers under said Lower Yellowstone Project shall not be required to pay any installment upon the cost of construction of said Project before the first day of December 1914, and that upon said date the first annual installment therefore be required, and that thereafter the annual installments upon the cost of said construction shall be payable on or before the first day of December of each year until said cost is fully paid; that the payment of maintenance charges, including those now accrued, shall not be required until the first day of December 1911, when a payment of one dollar per acre be required, and that thereafter the annual charge of one dollar per acre for maintenance be required, to be paid upon the first day of December of each year; and that said Legislation shall provide, further, that

such settlers under said Project, who acquired from the Government, prior to the initiation thereof, tracts of land embracing more than 80 acres of land, be permitted to hold the same under said Project, not exceeding 160 acres each, and be enabled to acquire water rights thereunder for the whole of such holdings; Further,

RESOLVED, That a copy of this memorial be forwarded by the Secretary of State, to the President of the United States, and the Secretary of the Interior, and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

Approved January 23, 1911.

SENATE JOINT MEMORIAL NO. 3

To the Honorable Senators and Representatives of the United States in Congress Assembled:

WHEREAS, it was the manifest intention of Congress, when the territory of Montana was admitted into the union as a state, to set aside and donate public lands to it in the establishment of all public institutions following long established precedent, and

WHEREAS, through oversight and inadvertence no donation was made on account of the State Insane Asylum as was the case in other states, and

WHEREAS, there is now pending before the Sixty-first Congress of the United States a bill providing for a grant of fifty thousand (50,000) acres of the unappropriated lands of the United States lying and being within the borders of the State of Montana in the aid and on account of the Asylum for the Insane, now, therefore

BE IT RESOLVED, that we, your memorialists petition and earnestly urge that there be set aside and donate fifty thousand (50,000) acres out of and from the unappropriated lands of the United States, lying and being within the borders of the State of Montana in the aid and on account of the Asylum for the Insane, and

BE IT FURTHER RESOLVED, that we your memorialists do petition and earnestly urge that you do, during the present session of the Sixty-first Congress, enact into law the senate bill introduced by Senator Thomas H. Carter providing for the setting aside and donation of fifty thousand (50,000) acres

of the unappropriated lands of the United States lying and being within the borders of the State of Montana in the aid and on account of the Asylum for the Insane, and

BE IT FURTHER RESOLVED, that the Secretary of the State of Montana be and is hereby instructed to forthwith transmit copies of this memorial, properly authenticated, to the President of the United States, the Secretary of the Interior and to our Senators and Representatives in Congress.

Approved January 18, 1911.

SENATE JOINT MEMORIAL NO. 4.

Petition to Congress to enact such legislation as will be necessary for the establishment of Pleasure Grounds on the Irrigation Districts now laid out, and also naming Fort Shaw Military Post as one of said Parks.

To the Honorable Senate and House of Representatives in Congress of the United States Assembled:

The Great West Country Life Commission, with headquarters at Spokane, Washington, a branch of the organization, instituted recently by the executive department of the Government of the United States, with a view of inaugurating a movement for the improvement of country life conditions, has for its object the removal of unrest among the farmers and their families, on account of their isolation from urban enjoyment, and especially has for its object the improvement of rural conditions, so as to add to the attraction of farm life, and in furtherance of this purpose has formulated a plan for the establishment of pleasure grounds, to be known as the Country Life Commission Grounds, on which shall be erected halls, school houses, with suitable athletic fields, picnic grounds, and such like auxiliaries, thus affording means for education and amusements, such as are furnished through the Grange Hall, Harvest Feast, and picnics of the Order of the Patrons of Husbandry; the grounds thus to be dedicated to embrace an area of from ten to twenty acres, as occasion may demand.

The State of Montana, desirous of increasing the fascinations of farm life, gives its unqualified indorsement to this movement, and therefore,

RESOLVED: That we, the Twelfth Legislative Assembly of the State of Montana, the Senate and House concurring, do hereby petition the Congress of the United States for the pas-

sage of legislation, whereby Supervising Engineers of the several reclamation projects within this State shall be empowered to lay out such grounds for pleasure parks, of from ten to twenty acres in every 20,000 acres of reclaimed land, and that the title to such parks, so established, shall be conveyed to a board of trustees, to be appointed by the Governor of the State, the title so vested to be held in trust.

And we further petition that that portion of the old Military Post of Fort Shaw, abandoned, for Garrison and Indian school purposes, and now unused, embracing about sixty acres of land, and described as follows:

Lots 11 and 12, Section 2; and that portion of the north $\frac{1}{2}$ N. E. $\frac{1}{4}$ Section eleven (11), Township twenty (20), north of Range two (2) west; lying north of the Great Northern Sun River line right of way; the north $\frac{1}{2}$ N. E. $\frac{1}{4}$ of Section eleven (11) being divided east and west by the Great Northern Sun River line right of way; be constituted a Pleasure Park for the reclamation districts, known as the Fort Shaw unit of the Sun River Reclamation Project.

We do the more readily request the dedication of the Fort Shaw Military Post grounds for Pleasure Park purposes, as the buildings thereon are adobe, and are not in condition to be moved, and the ground on which the buildings stand is valueless for agricultural purposes, and the territory adjacent to the Post is thickly peopled.

RESOLVED FURTHER, That a copy of this Memorial be forwarded by the Secretary of State to the Honorable Secretary of the Interior and our Senators and Representatives in Congress, with the request that they use every effort within their power to secure the enactment of such legislation as is needful to effectuate the purposes herein indicated.

Approved February 17, 1911.

SENATE JOINT RESOLUTION NO. 4.

Pertaining to the decorations in the new Capitol Wings.

WHEREAS, Montana is rapidly changing from a range state to a vast commonwealth of farms and cities, and

WHEREAS, it is desirable to preserve for future generations, the picturesque scenes and figures of frontier life, which scenes and figures will soon be gone forever,

NOW THEREFORE, BE IT RESOLVED by the Senate,

the House concurring, that it is the sense of the Twelfth Legislative Assembly of the State of Montana, that the decorations in the new Capitol Wings be taken chiefly from such early Montana scenes and figures, as are of value from a historical standpoint, and that such decorations be executed by Montana Artists of recognized ability and standing.

Approved February 2, 1911.

SENATE JOINT MEMORIAL NO. 5.

To the Honorable Senate and House of Representatives in the Congress of the United States Assembled:

WHEREAS, it is proposed upon the completion of the Panama Canal, to hold in some city of the United States an exposition, and

WHEREAS, certain cities of the United States are endeavoring to have the Congress of the United States designate such city as the place for holding the Panama International Exposition, and

WHEREAS, the city of San Francisco, is a candidate for the honor of having said Exposition located in that city,

NOW, THEREFORE, be it resolved, the House concurring, we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation, to, at as early a date as practical, designate the city of San Francisco, state of California, as the place for holding the Panama International Exposition.

RESOLVED, Further that a copy of this memorial be forwarded by the Secretary of State of the State of Montana, to the Senate of the United States, and

THAT, a copy of this memorial be forwarded by the Secretary of the State of Montana, to the House of Representatives of the United States, and

BE IT FURTHER RESOLVED, that a copy hereof be transmitted, by the Secretary of State of the State of Montana, to the Senators and Representatives in Congress of the State of Montana, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

Approved January 21, 1911.

SENATE JOINT MEMORIAL NO. 6.

Petition to Congress to enact such legislation as will relieve the settlers under Irrigation Projects in Montana, East of the main range of the Rocky Mountains.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, by the Act of June 25th, 1910, all lands under Irrigation Projects in Montana were withdrawn from all entry;

WHEREAS, prior to said Act of June 25th, 1910, and under the Act of June 17th, 1902, a large number of settlers have secured from the Government tracts of land not exceeding one hundred and sixty acres;

WHEREAS, these settlers have generally heretofore and are now placing valuable improvements upon each and every subdivision embracing in their said entries, said tracts are so remote from large centers of population that truck gardening is neither profitable or possible, and climatic conditions forbid any attempt at fruit growing; but the settler must depend upon the raising of grain and hay;

WHEREAS, it would work a great hardship and financial loss to these settlers should their holdings be divided into irrigation units containing less than one hundred sixty acres.

NOW, THEREFORE, BE IT RESOLVED, the House concurring, that we the Twelfth Legislative Assembly of the State of Montana, do petition the Congress of the United States for the passage of necessary legislation at as early date as possible providing that the settlers who, under the Act of June 17, 1902, and prior to June 25th, 1910, secured from the Government tracts of land under Irrigation Projects in Montana East of the main range of the Rocky Mountains, be permitted to hold the same under said Projects, not exceeding one hundred sixty acres each, and be enabled to acquire water rights thereunder for the whole of such holdings; Further,

RESOLVED, That a copy of this memorial be forwarded by the Secretary of State to the President of the United States and Secretary of the Interior, and our Senators and Representatives in Congress, with the request that they use effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

Approved February 17, 1911.

SENATE JOINT MEMORIAL NO. 7.

A joint memorial asking for the construction of two steel bridges over the Kootenai river in the Kootenai National Forest Reserve by the U. S. Government acting in conjunction with the Civil Government of Lincoln County, Montana.

To the Honorable Senate and House of Representatives in the Congress of the United States Assembled:

WHEREAS, vast tracts of valuable public lands of Montana have heretofore been withdrawn from settlement and set aside by the Federal Government as Forest Reserves thereby permanently preventing their occupation and development, and

WHEREAS, these forest Reservations in the County of Lincoln, State of Montana, particularly, cover a large portion of the area of the county and are only accessible by mere forest trails sufficient alone for footpaths, and are utterly inaccessible at present, to vehicles of any character as there are but few roads and bridges in any part of the Reservations over which a wagon can be driven, and

WHEREAS, the land over which these forest trails have been built cannot be made by public taxation to bear any part of the expenses of constructing roads and bridges required by the inhabitants of these regions, and

WHEREAS, recent experiences have shown that the lack of suitable roads and bridges in these Forest Reserves has resulted in enormous loss by forest fires, of vast quantities of very valuable timber and in a terrible sacrifice of human life.

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Twelfth Legislative Assembly of the State of Montana, the House of Representatives concurring herein, that we petition the congress of the United States for the necessary legislation enabling and directing the construction, under supervision of the Board of County Commissioners of Lincoln County, Montana, of two steel highway bridges across the Kootenai River at suitable and convenient places in Lincoln County, one half of the expenses of the construction of said bridges to be paid out of the funds set aside for the maintenance and protection of the National Forests and the other half of said expenses to be paid out of the public treasury of the said county of Lincoln under an agreement to be entered into between the proper Federal officers and the County Com-

missioners of Lincoln County, Montana.

RESOLVED, FURTHER, that a copy of this memorial be forwarded by the Secretary of the State of Montana, to the Senate of the United States, and

THAT, a copy of this memorial be forwarded by the Secretary of the State of Montana, to the House of Representatives of the United States, and

BE IT FURTHER RESOLVED, that a copy hereof be transmitted, by the Secretary of State of the State of Montana, to the Senators and Representatives in Congress of the State of Montana, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

Approved March 2, 1911.

SENATE JOINT MEMORIAL NO. 10.

To the Honorable Senate and House of Representatives in the Congress of the United States Assembled:

WHEREAS: Under present statutes and rulings of the Department of the Interior relating to the disposition of coal lands owned by the United States it is now possible that the price of coal lands may fluctuate or change between the date of entry and the time of payment by the entryman, and

WHEREAS, It is the sense of the Twelfth Legislative Assembly of the State of Montana that such fluctuation or change of price during that period is unfair and unjust to the entryman,

NOW, THEREFORE, BE IT RESOLVED, the House concurring, that we the Twelfth Legislative Assembly of the State of Montana do hereby petition the Congress of the United States for the passage of necessary legislation to correct and remedy the evil herein above referred to.

RESOLVED, FURTHER, that a copy of this Memorial be forwarded by the Secretary of State of the State of Montana, to the Senate of the United States, and

That a copy of this Memorial be forwarded by the Secretary of State of the State of Montana, to the House of Representatives of the United States, and

BE IT FURTHER RESOLVED, That a copy hereof be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives in Congress of the

State of Montana, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

Approved March 3, 1911.

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1228, Revised Codes, 1907.

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